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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, before whose face the generations rise and fall, we pause to thank You for Your loving kindness in the morning and Your faithfulness every night. Cleanse the purposes and desires of our lawmakers as they face the tasks committed to their hands. May they walk with You throughout this day in trust and peace. Lord, may they not be afraid to face facts, however unpleasant. When the way is uncertain and the problems baffling, inspire them to ask You for light for but one step at a time. Keep their lips clean and their thoughts pure, and may they never doubt the ultimate triumph of truth. Let Your kingdom come in us and through us.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the motion to proceed to the energy speculation legislation. Sometime after 11 today, the Senate will proceed to a rollcall vote on the motion to proceed to the bill. The Senate will recess from 12:30 until 2:15 in order to allow for the weekly caucus luncheons. Tomorrow, there will be a classified briefing for Senators in S–407 from 4 until 5:30 p.m. with National Security Adviser Stephen Hadley.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that the final 20 minutes prior to the cloture vote today be divided between Senator MCCONNELL and me or our designees, with my controlling the final 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3297

Mr. REID. Mr. President, S. 3297 is at the desk. I ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3297) to advance America's priorities.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will receive its second reading on the next legislative day.

CLEAN BOATING ACT OF 2008

CLARIFYING PERMITS FOR DISCHARGES FROM CERTAIN VESSELS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills en bloc: Calendar No. 832, S. 2766, and S. 3298, introduced earlier today by Senator MURKOWSKI.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The bill clerk read as follows:

A bill (S. 2766) to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

A bill (S. 3298) to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

There being no objection, the Senate proceeded to consider the bills en bloc.

Ms. MURKOWSKI. Mr. President, I rise today to support legislation that will provide a 2-year moratorium on National Pollution Discharge Elimination System permits for all commercial fishing vessels of any size and for all other commercial vessels less then 79 feet. The legislation requires the EPA, working with the Coast Guard, to conduct a 15-month study during the

moratorium period to evaluate the impacts of various discharges from vessels and report their findings to Congress for the purposes of making final decisions on vessel discharge permit requirements.

Discharges incidental to the normal operation of vessels have been exempt from NPDES permits under the Clean Water Act since 1973. The National Pollution Discharge Elimination System was developed for industrial sources of pollution and was not designed for mobile sources. In 2006, the U.S. District Court for Northern California ruled that the EPA exceeded its authority under the Clean Water Act in exempting these discharges and issued an order revoking the exemption and requiring the agency to permit these discharges by September 30, 2008. The EPA has appealed the decision, but in the meantime, the agency has proposed to permit both recreational and commercial vessels under two general permits. While the EPA has proposed a general permit system that does not require individual permits, all commercial and recreational vessels would still be subject to the regulations, fines, and enforcement and citizen lawsuits of the Clean Water Act. Considering incidental discharges for these vessels have been exempt for the past 35 years, it is hard to support permitting when we have such a dearth of information about what the discharges are, especially for small commercial and recreational boats.

The commercial moratorium bill directs the EPA to study the incidental discharges of commercial vessels to determine the volume, type and frequency of various categories and sizes of vessels. It is my sincere hope that after the results of the study are reported to the Senate Environment and Public Works and Commerce Committees, and the House Transportation and Infrastructure Committee, Congress will take action to exempt commercial vessels, as we are now doing for the recreational sector under the Clean Boating Act. The commercial vessels that will be included are commercial fishing vessels of any size and other commercial vessels less then 79 feet. I need to clarify that it is my understanding that a commercial fishing vessel is one that previously or is presently engaged in the harvesting, taking or catching of commercial fish. Many commercial fishing boats in the United States also work as fish tenders and it is my intention that the fishing vessels working in this capacity are also included in the covered vessels under the commercial moratorium bill.

I also support S. 2766, the Clean Boating Act of 2008. This legislation exempts recreational vessels from the NPDES permitting while the EPA develops best management practices for this sector. Neither category of vessels has documented discharge levels that have been shown to be harmful to the environment. The court case that required the EPA to develop this permit system was focused on invasive species and ballast water. Neither recreational nor small commercial vessels have ballast tanks and very few are ocean-going vessels.

Enactment of this legislation, together with the Clean Boating Act will provide the recreation sector an exemption and commercial boats a two year waiver with the possibility for exemptions based on the outcome of the discharge study.

It was a collaborative, negotiated process that developed the Clean Boating Act and the commercial moratorium legislation. I ask my colleagues to support both of these bills and I ask that they both pass by unanimous consent today.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bills be read a third time and passed, en bloc, the motions to reconsider be laid upon the table, with no intervening action or debate, en bloc, and that any statements relating to the bills be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bills were ordered to be engrossed for a third reading, were read the third time, and passed, as follows:

S. 2766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Boating Act of 2008''.

SEC. 2. DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(r) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.—No permit shall be required under this Act by the Administrator (or a State, in the case of a permit program approved under subsection (b)) for the discharge of any graywater, bilge water, cooling water, weather deck runoff, oil water separator effluent, or effluent from properly functioning marine engines, or any other discharge that is incidental to the normal operation of a vessel, if the discharge is from a recreational vessel.''.

SEC. 3. DEFINITION.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(25) RECREATIONAL VESSEL.—

''(A) IN GENERAL.—The term 'recreational vessel' means any vessel that is—

''(i) manufactured or used primarily for pleasure; or

''(ii) leased, rented, or chartered to a person for the pleasure of that person.

''(B) EXCLUSION.—The term 'recreational vessel' does not include a vessel that is subject to Coast Guard inspection and that—

''(i) is engaged in commercial use; or

''(ii) carries paying passengers.''.

SEC. 4. MANAGEMENT PRACTICES FOR RECREATIONAL VESSELS.

Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

''(o) MANAGEMENT PRACTICES FOR RECREATIONAL VESSELS.—

''(1) APPLICABILITY.—This subsection applies to any discharge, other than a discharge of sewage, from a recreational vessel that is—

''(A) incidental to the normal operation of the vessel; and

''(B) exempt from permitting requirements under section 402(r).

''(2) DETERMINATION OF DISCHARGES SUBJECT TO MANAGEMENT PRACTICES.—

''(A) DETERMINATION.—

''(i) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall determine the discharges incidental to the normal operation of a recreational vessel for which it is reasonable and practicable to develop management practices to mitigate adverse impacts on the waters of the United States.

''(ii) PROMULGATION.—The Administrator shall promulgate the determinations under clause (i) in accordance with section 553 of title 5, United States Code.

''(iii) MANAGEMENT PRACTICES.—The Administrator shall develop management practices for recreational vessels in any case in which the Administrator determines that the use of those practices is reasonable and practicable.

''(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator shall consider—

''(i) the nature of the discharge;

''(ii) the environmental effects of the discharge;

''(iii) the practicability of using a management practice;

''(iv) the effect that the use of a management practice would have on the operation, operational capability, or safety of the vessel;

''(v) applicable Federal and State law;

''(vi) applicable international standards; and

''(vii) the economic costs of the use of the management practice.

''(C) TIMING.—The Administrator shall—

''(i) make the initial determinations under subparagraph (A) not later than 1 year after the date of enactment of this subsection; and

''(ii) every 5 years thereafter—

''(I) review the determinations; and

''(II) if necessary, revise the determinations based on any new information available to the Administrator.

''(3) PERFORMANCE STANDARDS FOR MANAGEMENT PRACTICES.—

''(A) IN GENERAL.—For each discharge for which a management practice is developed under paragraph (2), the Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, other interested Federal agencies, and interested States, shall promulgate, in accordance with section 553 of title 5, United States Code, Federal standards of performance for each management practice required with respect to the discharge.

''(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator shall take into account the considerations described in paragraph (2)(B).

''(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

''(i) distinguish among classes, types, and sizes of vessels;

''(ii) distinguish between new and existing vessels; and

''(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

''(D) TIMING.—The Administrator shall—

''(i) promulgate standards of performance for a management practice under subparagraph (A) not later than 1 year after the date of a determination under paragraph (2) that the management practice is reasonable and practicable; and

''(ii) every 5 years thereafter—

''(I) review the standards; and

''(II) if necessary, revise the standards, in accordance with subparagraph (B) and based on any new information available to the Administrator.

''(4) REGULATIONS FOR THE USE OF MANAGEMENT PRACTICES.—

''(A) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall promulgate such regulations governing the design, construction, installation, and use of management practices for recreational vessels as are necessary to meet the standards of performance promulgated under paragraph (3).

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary shall promulgate the regulations under this paragraph as soon as practicable after the Administrator promulgates standards with respect to the practice under paragraph (3), but not later than 1 year after the date on which the Administrator promulgates the standards.

''(ii) EFFECTIVE DATE.—The regulations promulgated by the Secretary under this paragraph shall be effective upon promulgation unless another effective date is specified in the regulations.

''(iii) CONSIDERATION OF TIME.—In determining the effective date of a regulation promulgated under this paragraph, the Secretary shall consider the period of time necessary to communicate the existence of the regulation to persons affected by the regulation.

''(5) EFFECT OF OTHER LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a recreational vessel.

''(6) PROHIBITION RELATING TO RECREATIONAL VESSELS.—After the effective date of the regulations promulgated by the Secretary of the department in which the Coast Guard is operating under paragraph (4), the owner or operator of a recreational vessel shall neither operate in nor discharge any discharge incidental to the normal operation of the vessel into, the waters of the United States or the waters of the contiguous zone, if the owner or operator of the vessel is not using any applicable management practice meeting standards established under this subsection.''.

S. 3298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED VESSEL.—The term ''covered vessel'' means a vessel that is—

(A) less than 79 feet in length; or

(B) a fishing vessel (as defined in section 2101 of title 46, United States Code), regardless of the length of the vessel.

(3) OTHER TERMS.—The terms ''contiguous zone'', ''discharge'', ''ocean'', and ''State'' have the meanings given the terms in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

SEC. 2. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) NO PERMIT REQUIREMENT.—Except as provided in subsection (b), during the 2-year period beginning on the date of enactment of this Act, the Administrator, or a State in the case of a permit program approved under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), shall not require a permit under that section for a covered vessel for—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; or

(3) any other discharge incidental to the normal operation of a covered vessel.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to—

(1) rubbish, trash, garbage, or other such materials discharged overboard;

(2) other discharges when the vessel is operating in a capacity other than as a means of transportation, such as when—

(A) used as an energy or mining facility;

(B) used as a storage facility or a seafood processing facility;

(C) secured to a storage facility or a seafood processing facility; or

(D) secured to the bed of the ocean, the contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development;

(3) any discharge of ballast water; or

(4) any discharge in a case in which the Administrator or State, as appropriate, determines that the discharge—

(A) contributes to a violation of a water quality standard; or

(B) poses an unacceptable risk to human health or the environment.

SEC. 3. STUDY OF DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating and the heads of other interested Federal agencies, shall conduct a study to evaluate the impacts of—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; and

(3) any other discharge incidental to the normal operation of a vessel.

(b) SCOPE OF STUDY.—The study under subsection (a) shall include—

(1) characterizations of the nature, type, and composition of discharges for—

(A) representative single vessels; and

(B) each class of vessels;

(2) determinations of the volumes of those discharges, including average volumes, for—

(A) representative single vessels; and

(B) each class of vessels;

(3) a description of the locations, including the more common locations, of the discharges;

(4) analyses and findings as to the nature and extent of the potential effects of the discharges, including determinations of whether the discharges pose a risk to human health, welfare, or the environment, and the nature of those risks;

(5) determinations of the benefits to human health, welfare, and the environment from reducing, eliminating, controlling, or mitigating the discharges; and

(6) analyses of the extent to which the discharges are currently subject to regulation under Federal law or a binding international obligation of the United States.

(c) EXCLUSION.—In carrying out the study under subsection (a), the Administrator shall exclude—

(1) discharges from a vessel of the Armed Forces (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a));

(2) discharges of sewage (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) from a vessel, other than the discharge of graywater from a vessel operating on the Great Lakes; and

(3) discharges of ballast water.

(d) PUBLIC COMMENT; REPORT.—The Administrator shall—

(1) publish in the Federal Register for public comment a draft of the study required under subsection (a);

(2) after taking into account any comments received during the public comment period, develop a final report with respect to the study; and

(3) not later than 15 months after the date of enactment of this Act, submit the final report to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—S. 3268

Mr. MCCONNELL. Mr. President, in connection with debate on the motion to proceed, I ask unanimous consent that the time allocated to my side before the vote be equally divided between Senator DOMENICI and Senator CORNYN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A SERIOUS SOLUTION

Mr. MCCONNELL. Mr. President, today the Senate will continue debate on the No. 1 domestic issue facing the Nation, but it now seems clear that the majority is not interested in a full and open debate, is not interested in good ideas from all sides, and is designing floor debate that is designed to fail. That is simply unacceptable. I was disturbed to read this morning that our friends on the other side are considering only a brief and limited consideration of this bill. It is troubling that at a time of $4.06-a-gallon gas, the Senate would treat the issue as if it is some technical corrections bill. Let me assure my friends it is not.

Let's be absolutely clear, Republicans will not accept a perfunctory approach to the problem. We are not content with a check-the-box exercise. More important, the American people will not accept a timid approach to such a major problem. This is the biggest issue in the country by far. The only thing I can recall in recent years that rivals it was terrorism right after 9/11. The Republican conference is interested in a solution. We are not interested in holding a pair of votes so that we can go home with political cover to blame the other side for our collective lack of accomplishment.

Let's be clear, speculation-only legislation is a very little piece to a massive problem. Americans are facing

that problem every day at the pump. The American people are speaking very clearly about what needs to be done, and the Senate has the ability to answer their call. Americans are going to continue to demand a serious solution that gets at both supply and demand. Nothing less can be seen as a solution. Nobody can say with a straight face that simply addressing speculation, a very narrow part of the problem, is a serious approach.

The majority seems less concerned with passing a bill which can bring down the price of gas and more concerned with just passing some bill. But it wasn't too long ago that the majority party, regardless of which party was in control, welcomed an open debate on energy legislation.

Let's look back to last year. Last year, when the Senate considered the Energy Independence and Security Act and when gas was $3.06 a gallon, 49 amendments were agreed to out of the 331 which were filed. Of those amendments, 16 received rollcall votes. In 2005, when the price of gas was $2.26 a gallon, a Republican majority allowed 19 rollcall votes on amendments during debate on the Energy Policy Act of 2005. A total of 57 amendments were agreed to out of 235 proposed. Neither of these bills was rushed through in less than a week. We spent 15 days on the floor debating last year's Energy bill and 10 days in 2005 because we wanted to make sure we got it right, that ideas from both sides were considered, that the legislation would have the needed impact.

We need to do that again. The current cost of gas is a serious problem that requires a very serious approach. The Senate insults the American people if it treats this problem with anything less than the seriousness such a big problem requires. We need to find more and use less. We need to consider good ideas from all sides, and we need to take seriously that energy is the No. 1 issue facing our country and act on it now. We simply can't go through a failed process, claim credit for trying, and then go home. Americans know better, and Americans expect more.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

BLOCKING SOLUTIONS

Mr. REID. Mr. President, the code word is that all Democrats want to do something ''perfunctory.'' That is code for blocking another bill. We are up to 83. They have blocked those. Obviously, they are now going to block this oil legislation.

Look at this picture. The Republicans introduced their bill on what to do about the energy problems. Part of that bill deals with speculation. We, the Democrats, think speculation is part of what is driving up these oil prices. But we didn't just dream this up. Academics, economists say that the cost of oil is 20 to 50 percent speculation. My friend the Republican leader said it is a little issue, speculation. If the price is 20 to 50 percent speculation, according to which economist or academic one talks to, that is a pretty big deal. If you lower the price of oil by 20 percent, that lowers gasoline well below $4 a gallon; 50 percent knocks it to $2 a gallon. That sounds like a pretty big issue to me.

I don't think it is just by chance that once we introduced this bill, oil prices started to drop, because much of the speculation takes place by people who have no inkling they will ever use the oil. Prior to 2006, it was against the law, but the Republican-dominated Congress passed a law saying you don't have to take possession of the oil; you can just go ahead and buy it. That is what has happened. That is why speculation is an important piece of legislation.

Let's assume that is all we did, nothing but speculation. Remember, it is part of their bill, and we think it is a big part of what is the problem in America today. Let's assume we only did that. That would seem to be a pretty big step in the right direction, if we were able, with a piece of legislation, to lower the price of oil even by the small amount of 20 percent and maybe by the 50 percent some say. But they obviously do not want us to do that.

Let's go to the next step.

We see ads being paid for all over the country by whom? Oil companies. Oil companies are saying: Join with our Republican colleagues in the Senate and drill more, drill more, drill more. You get the picture? Oil companies, Republicans in the Senate? Republicans are looking at these ads paid for by the big oil companies, full-page ads.

They can afford them. They made $250 billion last year.

We Democrats are not opposed to drilling. Right now, there is 68 million acres available onshore and offshore. In addition, there is a lot of oil in other places. All the Interior Department has to do is lease the land. They have the authority to do that. There is no moratorium on any of that. In Alaska alone, there is 25 million additional acres which oil people say is a gold mine for oil. They can go drill there now. What the Republicans want—and we see what they are doing here—is to protect the oil companies. Just as Bush and CHENEY have done for 8 years, the most oil-friendly administration in our history is now being supported by their friends, as they have for 8 years, Republicans in the Senate.

Republicans in the Senate, the oil companies, they want yesterday forever. We want to change. That is why someone like T. Boone Pickens has joined with Al Gore. Get that picture again. T. Boone Pickens and Al Gore? They have joined together saying: Oil is not where it is. We have to get away from our addiction to oil. We have to get rid of our addiction to oil. Al Gore says that. He lays out the problem very well. Here comes T. Boone Pickens with a solution. He says we should have a little bridge, after a few years of using natural gas, and then it should be all renewable energy.

We have tried now for months to get a renewable energy tax credit. Senator DURBIN asked me to meet with one of his constituents yesterday. I was so impressed with this man. He is an immigrant to the United States from the Ukraine. He has made a couple fortunes. He is now a big player in windmills.

He has 2,000 megawatts of electricity being produced from windmills. That is a lot of electricity—a lot of electricity. It is much larger than the coal-fired generating plant which was one of the largest in the country in Mojave in Nevada which just closed because it was so dirty. It is bigger than that. It is huge what he is doing. But he came to us and said: I am about to lose everything—everything—because the banks are going to withdraw my loans because the tax credit is not here next year.

So here is the picture—again, talking about a picture for the third time. The Republicans have obviously told us they are going to block legislation dealing with oil. We have said: Let's do speculation. They have talked now for weeks about drilling. They have talked about what the oil companies are advertising they want to do with full-page ads. They want to drill. They want to leave the decision to be made by the Governors.

We have said now for more than a week: Let's vote on that. No, that is not what we want to do. The Republican whip yesterday told the Democratic whip they have 28 amendments. That is not a serious effort to move forward on this legislation. They have been saying and following the lead of the oil companies saying: We want to use less, drill more. And we are saying: Let's vote on your proposal. They are saying, no, no way, because we are filibustering another piece of legislation—83.

So the American people understand we have people over there on that side of the aisle who have joined with big oil. They are very happy they are running the ads. They are saying: No, we are not going to do anything about speculation, and even though we have talked about this great panacea to all the problems America faces, we will drive down prices immediately with our amendment on drilling. We are saying: Fine, let's vote on your amendment. They say: No, thanks.

Mr. CORNYN. Mr. President, will the distinguished majority leader yield for one question?

Mr. REID. Mr. President, I will be happy to yield.

Mr. CORNYN. Mr. President, I would ask the distinguished majority leader,

I am informed he had stated in his earlier remarks that 20 percent of the problem we have with high oil prices now is the result of speculation. I was wondering if the distinguished majority leader would—that is the first time I had heard that figure. I wonder if he could provide a citation or some place——

Mr. REID. Mr. President, I would say to my friend, if it is the first time you have heard it, with all due respect, you have not been listening to what has been going on on the Senate floor. I am not the only one who has said it. Many people have said it. I would be happy to place in the RECORD—and the first person we will place in the RECORD is somebody who was a high-ranking official with the commodity futures trading organization, where he says it is 50 percent. Now, that is in the RECORD already. I will be happy to repeat his name, and we will spread this all through the RECORD. He says 50 percent. Many others say it is 20 percent. That is why we believe speculation is an important piece of this legislation.

I say to my friend from Texas, as I said earlier, if the man who says it is as much as 50 percent wrong, and it is only 20 percent, that is still a big chunk out of this, and it must mean it is worthwhile pursuing because in the Republicans' proposal you have in your proposal a speculation piece.

Mr. CORNYN. Mr. President, I would respond briefly and say to the distinguished majority leader, I have been listening. I have been on the floor literally every day talking about this issue. But I will say what surprised me about the 20-percent figure is that Warren Buffett, the CEO of Berkshire Hathaway, said it is not speculation that is driving up the price of oil, it is supply and demand.

So that is why I was asking for a citation because it is the first time I have heard it. I do not think I am the only one, and I have been listening.

Mr. REID. Before I leave the floor, Mr. President, I will simply say that Warren Buffett is a great guy. I like him very much. But keep in mind, he has not made his money in oil. He has made his money selling furniture and insurance and other things of that nature. Warren Buffett is a great person. I have great respect for his ability to make money. But he has not made it in oil. I think we need to look at some of the other experts in this regard.

I repeat, there must be some substance to it. The Republicans have it in their legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3268, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 3268) to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy commodities, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate, equally divided and controlled between the two leaders or their designees prior to the vote on the motion to invoke cloture.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, later this morning, we are scheduled to vote on the motion to proceed to the legislation that the majority leader was referring to. This legislation is entitled the Stop Excessive Energy Speculation Act of 2008. This is legislation that is designed to shed additional light on trading activities in global oil markets.

I hope very much the Senate will vote to invoke cloture this morning and that we can proceed, and do so in a bipartisan fashion, to debate the legislation. The topic of speculative investment in our energy markets has been the subject of many hearings throughout many committees of the Senate.

In our own committee, the Senate Energy and Natural Resources Committee that I chair, along with a handful of other committees, we have had something approaching 30 or 40 hearings during the 110th Congress on this subject. We have heard testimony from industry analysts, traditional producers and consumers of petroleum products, that the recent runup in crude prices can be attributed, at least in part—and there is debate about whether it is 20 percent or more or less, but this runup in prices can be attributed, at least in part, to what are referred to by some of the experts as the ''new fundamentals'' in our energy markets.

We had Dan Yergin, from Cambridge Energy Associates, who testified at a workshop we had in the Energy and Natural Resources Committee last week, and he talked about the new fundamentals, as he has now for some time. These new fundamental forces include nontraditional investment flows into energy commodity markets, as asset managers seek to hedge against inflationary risks and hedge against the decline in the value of the dollar.

This flight of investments into commodities is a symptom of our ailing economy in general. But it also poses a number of serious questions from an energy market perspective. Among those are whether and how the influx of billions of dollars in relatively passive investment is impacting the fundamental price-discovery functions these financial markets are intended to perform; that is to say, to some pension fund managers and index investors taking positions in the oil markets, the price of a barrel of oil on any given day may not be very important. Whether the price is $5 or $500 per barrel, their oil market positions are designed to balance the risk they have in other parts of their portfolio, and they have made a policy judgment to put 10 percent of their portfolio in commodity markets, the oil market being prime among those.

So the question for policymakers is whether this investment—this new fundamental: the demand for paper barrels, as it was referred to at our workshop last week—has begun to swamp the price signals that are generated by the more traditional hedgers, the large producers, and consumers of petroleum products in tune to the real-time dynamics of supply and demand. Supply and demand is still a significant factor in the price of oil. There is no question about that. But these new fundamentals are also a significant factor in the view of many experts who have testified to our committee.

During the course of the multiple hearings we have held in the Energy Committee, through a series of related correspondence we have had with the Commodity Futures Trading Commission, and in the ensuing debate in the Senate, I believe that a compelling case has been made that the Commodity Futures Trading Commission requires more authority, needs more authority, needs more resources, needs more explicit direction from Congress to examine these issues in detail.

That is what Senator REID's legislation tries to accomplish. Senator REID's legislation would provide the CFTC, the Commodity Futures Trading Commission, with the tools to do that. It does several things. Let me mention a few.

It codifies recent CFTC initiatives related to the conditions under which the United States will allow traders access to foreign boards of trade on which energy commodity contracts are listed. That is an important signal to the market that the United States will take a stronger stand on efforts to circumvent domestic trading rules.

The second thing it does is it provides much greater transparency in over-the-counter markets. This is another key building block to putting in place forward-leaning regulatory policies adapted to the increasingly global and electronic environment in which energy is bought and sold.

The third thing this legislation does is it includes a number of provisions designed to shine additional light on the nexus, or connection, between the physical commodity and the financial energy markets, and to ask some of the same questions about natural gas markets that we have been asking about petroleum over the last few months. I believe this is an important effort. Particularly it is an important effort in light of what may prove to be a very difficult winter heating season.

There are clearly ways in which this underlying legislation can be improved

if we have the bipartisan will to do so. In addition, I know some on the other side of the aisle would like to expand the debate on the energy speculation bill to address, in addition, supply and demand-related issues. I believe Senator REID has indicated an openness to having that done as well, if we can come together on a plan for consideration of amendments.

It is clear to me there is indeed more we can do on the topic of curtailing demand and expediting the availability of domestic supply in the United States. I hope we can offer proposals along these lines in the days ahead. Hopefully, we can find some areas of commonality on those measures as well.

The first step toward getting to this serious debate—which I think we all believe should occur—the first step to achieving consensus in the Senate is to invoke cloture this morning on the motion to proceed to the energy speculation bill that Senator REID has brought forward.

I urge my colleagues to do so.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I thank the distinguished chairman of the Senate Energy Committee, who is very knowledgable on this subject. I do say to him that I do believe that I and others on this side of the aisle will vote to invoke cloture on the speculation provision. But I do have some questions about it.

First of all, I asked the majority leader how much of the problem of the high price of oil was caused by speculation. He said some people say 20 percent. I cited to him Warren Buffett, a multibillionaire, somebody who knows a lot about financing, and he said he thought it was supply and demand. T. Boone Pickens, one of my constituents, who has made a lot of waves here recently, talking about the importance of wind energy and talking about the importance of natural gas, said that focusing on speculation is a waste of time.

Now, I do not know whether it is a waste of time or whether it is 20 percent. But I would ask the majority leader, why are we only going to focus—assuming you are right and speculation is 20 percent of the problem—why are we only going to focus on a 20-percent solution? Why not focus on the 80 percent he is leaving on the table by not talking about supply and demand?

Of course, while Congress continues to not do things that might have an impact, we have seen, since January 4, 2007—since the Democratic majority took power—the price of gasoline, which was $2.33 a gallon, today has dropped just a little bit, dropped a nickel, to $4.06 a gallon.

Here is what Warren Buffet, the chairman and CEO of Berkshire-Hathaway, told us:

It's not speculation, it is supply and demand.

I am not saying this, but let's say somebody would say he is wrong and Senator REID is right, it is 20 percent. How come we are not talking about that remaining 80 percent? That, frankly, is what our side of the aisle would like to talk about. We would like to talk about a 100-percent solution, assuming that is humanly possible.

I was in Texas this weekend. Yesterday I hosted a press conference at the Flying J truckstop on I–35 in Waco, TX. I must tell you, all I hear from my constituents back home is how the high price of gasoline is not only pinching their budget but making it harder for them to get by.

I also went to the North Texas Food Bank in Dallas. Of course I talked to a lot of the volunteers and other staff there who are doing great work providing food for people who are hungry. What they are telling me is that the high price of fuel is increasing the cost of food. Using ethanol, using corn for fuel, is causing additional pressure on food prices. We are finding that not only are people suffering more at the pump when they go to fill up their tank, actually they are finding it harder to put food on the table, putting more and more pressure on charitable organizations such as the North Texas Food Bank.

Try as we might, there is one law that we simply can no longer refuse to acknowledge, and that is the law of supply and demand. We know world demand is going up because rising economies such as China and India, countries of more than 1 billion people each, want more of what we have. They want to be able to buy cars, they want to be able to drive those cars, they want the prosperity that comes with access to energy that we in America have had pretty much to ourselves for a long time.

It is important for Congress to realize the one power we do have, frankly, is the power to lift the moratorium on the 85 percent of the Outer Continental Shelf where we know there are vast supplies of oil and natural gas. For every barrel of oil that we produce in America, that is one barrel less we have to buy from the Middle East, including OPEC, the Organization of Petroleum Exporting Countries, which includes countries such as Iran, or from countries such as Venezuela, from Hugo Chavez, someone who obviously does not wish us well.

We know there are ways to come up with new sources. Unfortunately, every time we bring up new energy sources to try to bring down the price of oil by producing more supply at home we are told we cannot do that; that is, offshore exploration was blocked, oil shale was blocked, which reportedly accounts for about 2 million additional barrels of oil that we can produce in America, in Colorado, Utah, and Wyoming. ANWR, a 2,000-acre postage stamp in a huge expanse of land in the Arctic that could produce as many as 1 million barrels of oil a day, that is blocked.

It does not just stop there. We say we need to do something about rising electricity costs as well, so why can't we build some nuclear powerplants? We have been told we cannot do that either; that is blocked.

Why can't we figure a way to use the coal we have in America? We have been called the Saudi Arabia of coal. The problem is, coal is dirty. But we have the technology, we have the know-how, I believe, using good old-fashioned American ingenuity and our world class institutions of higher education to do the research, to learn how to use it cleanly. Clean coal research and technology—that has been blocked as well.

Increasingly, it sounds as though either we are engaged in a nonsolution, if you believe Mr. Buffet—and the majority leader is going to confine us simply to a speculation provision—or, at best, according to the majority leader's own words, we are only going to be dealing with 20 percent of the problem. I think we ought to deal with 100 percent of the problem. Unfortunately, it seems as though every time we bring up the issue of more domestic supply, our friends on the other side of the aisle, who control the floor and control the agenda by virtue of their being in the majority, have simply said: No. No.

Unfortunately, no new energy continues to mean higher prices for the American consumer.

On this side of the aisle we have introduced a bill that has the support of 46 Republicans. We skinnied it down to try to eliminate controversial issues, and we said: Let's look at the speculation component. Let's look at greater transparency. Let's look at putting more cops on the beat, more human resources to make sure we supervise and we analyze and we make sure we police the commodity futures market for abuses. But we don't just stop there. We don't stop with a 20-percent solution. We provide a comprehensive solution by saying yes to domestic oil supply, using what God has given us in this country in a way that will allow us to be less dependent on imported oil from the Middle East.

As we continue to do that—and this is the other component of the gas price reduction bill I am referring to, that has 46 cosponsors—we say let's continue to do the research on renewable and alternative fuels because one day it may well be that we are all driving battery-powered cars that we literally plug into the wall socket at night to charge those batteries. That is what the major car companies are going to be introducing into the marketplace in 2010.

As we continue to do research in wind energy or solar to generate electricity, we continue to do research into how to use coal to transform it into liquid so we can turn it into aviation fuel. Believe it or not, that is what the U.S. Air Force is doing right now. It is flying some of its most sophisticated airplanes using synthetic fuel made

from coal, coal to liquid. The challenge we have, of course, is to try to make sure we can sequester the carbon dioxide produced from that.

I don't know why every time we try to find more and we try to talk about the importance of conservation that our Democratic friends, including the majority leader, just simply say no. Why they would offer either a nonsolution or a 20-percent solution, depending on whether you want to believe T. Boone Pickens or you want to believe the majority leader—T. Boone Pickens, who said just addressing speculation is a waste of time; Warren Buffet, who said it is not speculation but supply and demand that is the problem. But let's say the majority leader is right, and both of them are wrong. At best we have a 20-percent solution. I think America needs better than that.

The strange thing about it is I don't know why we would resist going onto this bill and offering amendments that would provide a 100-percent solution to America's energy problems. Find more and use less is the formula we would like to see enacted in this legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, it is fascinating to come out here and listen to false choices. Let me describe this issue of find more, drill more. I am for drilling. I am for everything. But that is yesterday forever. It is the same folks who every 10 years show up and say: Let's keep doing what we have been doing, that sure is good, except the hole keeps getting deeper. If we don't have something that is game changing, 10 years from now they will be back talking about ''find more.''

The false choice is this: This chart shows the National Petroleum Reserve Alaska. We have made all 23 million acres of it available for drilling. Only 3.8 million acres have been leased. There is more oil in the National Petroleum Reserve Alaska than exists in ANWR. An estimated 9 million barrels of oil and 60 trillion cubic feet of natural gas are available in the National Petroleum Reserve Alaska. Yet some policymakers trot out their little horn ornament called ANWR and say: You have to agree to drill in ANWR or you are not for drilling.

How about this? How about this 23 million acres? It is a canard and false choice to come out and suggest that somehow, as my colleague said, Democrats are against drilling. That is absurd. It is just not the case.

What we need to be for, it seems to me, is something that is game changing, something that says let's not be in this same position 10 years from now. John F. Kennedy didn't say let's try to go to the Moon or I would like to think about going to the Moon or maybe we will make an effort to go to the Moon. He said: We are going to put a man on the Moon by the end of a decade.

That is what we ought to do with respect to the change in energy policy. You will get no change from those who come to the floor of the Senate and say let's keep doing what we have been doing even though the hole is getting deeper.

Here is what is happening. We need to do first things first. The first hurdle in front of us is to shut down the dramatic speculation on the oil futures market. Speculators were 37 percent of the people in the oil futures market in the year 2000. Now oil speculators are 71 percent of the market. They have broken the market. There is nothing my colleagues can point to in the last 12 months that happened in supply and demand that would justify a doubling of the price of oil—nothing. Yet, interestingly enough, 47 Members of the other side of the aisle have said speculation is at least part of the problem. In fact, there is a provision on speculation in the bill of Senator MCCONNELL, the minority leader's bill that was offered in the Senate.

If 47 of them believe speculation is part of the problem, let's at least address that first. It seems to me if you are running the hurdles, you jump the hurdles in front of you. Why not do this first, even as we work on a wide range of other issues as described by my colleague, Senator BINGAMAN? We are drilling, and we should continue to drill in a responsible way in certain areas of the country.

I was one of four Senators who helped open lease 181 in the Gulf of Mexico. It was a big fight. Guess what. It has been open now for a couple of years, and there is not one drilling rig on it because the oil folks aren't there. Yet they send folks to the floor of the Senate to say we need to get Democrats to allow us to drill more. There are 8 million acres we opened in the Gulf of Mexico. There is substantial new oil and gas available on those 8 million acres. Yet they are not there drilling. Why?

The entire master narrative in this debate in the Senate is the minority wanting to say somehow the majority doesn't support drilling. It is a false choice, and they know it.

The question is this: Will they support shutting down the excessive relentless speculation in the oil futures markets? Will they support that? Are they going to stand on the side of the oil speculators and say we kind of like what is going on; we like seeing the price of oil double in a year?

Let me point out again that there is nothing that has happened in supply and demand that would remotely justify the doubling of the price of oil in a year. Yet they come to the floor with their charts and say: Produce more.

I am for producing more. It is a false choice to suggest they support producing more and we do not. But the question is, what are you going to do to deal with the problem today? Then, what are you going to do as we go forward to suggest something that is really game changing, that allows us to be free and escape from the need to rely on Saudis to ship us oil?

My colleague just described a quote from T. Boone Pickens. He must have forgotten the quote from R. Boone Pickens that says: You can't drill your way out of this mess. You can't drill your way out of this. What we need to decide as a country is we are not going to have to go begging for oil from the Saudis, from Venezuela, Iraq, and elsewhere because we have changed our energy mix.

So if 47 members of the minority have talked about speculation being a problem, perhaps we can at least address this first issue. Then we should work on the wide range of other things—substantial conservation; substantial new initiatives with respect to energy efficiency; yes, more production; and most important, dramatic moves toward renewable energy: wind energy, solar, geothermal, biomass.

It is long past the time for this country to decide we are going to change our energy mix. How are you ever going to get to hydrogen fuel cell vehicles—or, in the interim, to electric vehicles—if you do not get serious about deciding we are going to change our energy future? If you want to be yesterday forever, God bless you, but don't count me among you. I don't want to be here 10 years from now—I don't know that I would be—but I don't want to be here every single decade to see the same folks coming to the Senate floor to say let's keep digging the same hole. How? Just because drilling is the only answer.

Mr. President, how much time have I consumed?

The ACTING PRESIDENT pro tempore. Six-and-a-half minutes.

Mr. DORGAN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, day after day record-high oil and gasoline prices are hurting millions of American consumers and businesses. Unless we act, the record-high prices will continue to reverberate throughout our economy, increasing the prices of transportation, food, manufacturing and everything in between, endangering the economic security of our people and our Nation.

The price of crude oil recently reached a record high price of about $147 per barrel. Sky-high crude oil prices have led to record highs in the price of other fuels produced from crude oil, including gasoline, heating oil, diesel fuel, and jet fuel. The national average price of gasoline is at a record high of about $4.11 per gallon. Jet fuel costs nearly $4.30 per gallon. The price of diesel fuel, which is normally less expensive than gasoline, has soared to a record high of nearly $4.85 per gallon.

Rising energy prices greatly increase the cost of getting to work and taking our children to school, traveling by car, truck, air and rail, and growing the food we eat and transporting it to market. Rising energy prices greatly increase the cost of producing the

medicines we need for our health, heating our homes and offices, generating electricity, and manufacturing industrial and consumer products. The relentless increase in jet fuel prices has caused airline layoffs, fare increases, and service cuts. ''If fuel continues to go up, this industry cannot survive in current form,'' the president of the Air Transport Association said recently. Rising diesel prices have placed a crushing burden upon our Nation's truckers, farmers, manufacturers, and other industries.

My Senate Permanent Subcommittee on Investigations has conducted four separate investigations into how our energy markets operate. Last December, we had a joint hearing with Senator DORGAN's Senate Energy Subcommittee on the role of speculation in rising energy prices. As a result of these investigations and hearings, I have proposed several measures to address the rampant speculation and lack of regulation of energy markets which have contributed to sky high energy prices.

These investigations have shown that one key factor in price spikes of energy is increased speculation in the energy markets. Traders are trading contracts for future delivery of oil in record amounts, creating a demand for paper contracts that gets translated into increases in prices and increasing price volatility.

Much of this increase in trading of futures has been due to speculation. Speculators in the oil market do not intend to use oil; instead they buy and sell contracts for crude oil in the hope of making a profit from changing prices. The number of futures and options contracts held by speculators has gone from around 100,000 contracts in 2001, which was 20 percent of the total number of outstanding contracts, to almost 1.2 million contracts, which represents almost 40 percent of the outstanding futures and options contracts in oil on NYMEX. Even this understates the increase in speculation, since the CFTC data classifies futures trading involving index funds as commercial trading rather than speculation.

There are now, as a result, 12 times as many speculative holdings as there were in 2001, while holdings of nonspeculative or commercial futures and options are up but 3 times. According to the basic law of supply and demand, the more demand there is to buy futures contracts for the delivery of a commodity, the higher the price will be for those futures contracts.

Not surprisingly, therefore, this massive speculation that the price of oil will increase, together with the increase in the amount of purchases of futures contracts, has, in fact, helped increase the price of oil to a level far above the price that is justified by the traditional forces of supply and demand.

The president and CEO of Marathon Oil recently said, ''$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.'' Mr. Fadel Gheit, oil analyst for Oppenheimer and Company describes the oil market as ''a farce.'' ''The speculators have seized control and it's basically a free-for-all, a global gambling hall, and it won't shut down unless and until responsible governments step in.'' In January of this year, as oil hit $100 a barrel, Mr. Tim Evans, oil analyst for Citigroup, wrote ''the larger supply and demand fundamentals do not support a further rise and are, in fact, more consistent with lower price levels.'' At the joint hearing on the effects of speculation we held last December, Dr. Edward Krapels, a financial market analyst, testified, ''Of course financial trading, speculation affects the price of oil because it affects the price of everything we trade . . . It would be amazing if oil somehow escaped this effect.'' Dr. Krapels added that as a result of this speculation, ''There is a bubble in oil prices.''

The need to control speculation is urgent. The presidents and CEOs of major U.S. airlines recently warned about the disastrous effects of rampant speculation on the airline industry. The CEOs stated ''normal market forces are being dangerously amplified by poorly regulated market speculation.'' The CEOs wrote, ''For airlines, ultra-expensive fuel means thousands of lost jobs and severe reductions in air service to both large and small communities.''

As to reining in speculation, the first step to take is to put a cop back on the beat in all our energy markets to prevent excessive speculation, price manipulation, and trading abuses. In the spring of 2001, when my Senate Permanent Subcommittee on Investigations began investigating our energy markets, the price of a gallon of gasoline had spiked upwards by about 25 cents over the course of the Memorial Day holiday. We subpoenaed records from major oil companies and interviewed oil industry experts, gas station dealers, antitrust experts, gasoline wholesalers and distributors, and oil company executives. We examined thousands of prices at gas stations in Michigan, Ohio, California, and other States. In the spring of 2002, I released a 400-page report and held 2 days of hearings on the results of the investigation.

The investigation found that increasing concentration in the gasoline refining industry, due to a large number of recent mergers and acquisitions, was one of the causes of the increasing number of gasoline price spikes. Another factor causing price spikes was the increasing tendency of refiners to keep lower inventories of gasoline. We also found a number of instances in which the increasing concentration in the refining industry was also leading to higher prices in general. Limitations on the pipeline that brings gasoline into my home State of Michigan were another cause of price increases and spikes in Michigan. The report recommended that the Federal Trade Commission carefully investigate proposed mergers, particularly with respect to the effect of mergers on inventories of gasoline.

The investigation discovered one instance in which a major oil company was considering ways to prevent other refiners from supplying gasoline to the Midwest so that prices would increase.

In March 2003, my subcommittee released a second report detailing how the operation of crude oil markets affects the price of not only gasoline, but also key commodities like home heating oil, jet fuel, and diesel fuel. The report warned that U.S. energy markets were vulnerable to price manipulation due to a lack of comprehensive regulation and market oversight.

For years I have been working with Senators FEINSTEIN, DORGAN, SNOWE, BINGAMAN, CANTWELL, and others on legislation to restore some regulatory authority in the energy markets that had been exempted from regulation because of an ''Enron loophole'' that was inserted at the last minute into an omnibus appropriation bill in December 2000. For 2 years we attempted to close the Enron loophole, but efforts to put the cop back on the beat in these markets were unsuccessful, due to opposition from the Bush administration, large energy companies, and large financial institutions that trade energy commodities.

In June 2006, I released another subcommittee report, ''The Role of Market Speculation in Rising Oil and Gas Prices: A Need to Put a Cop on the Beat.'' This report found that the traditional forces of supply and demand didn't account for sustained price increases and price volatility in the oil and gasoline markets. The report concluded that, in 2006, a growing number of trades of contracts for future delivery of oil occurred without regulatory oversight and that market speculation had contributed to rising oil and gasoline prices, perhaps accounting for $20 out of a then-priced $70 barrel of oil.

That subcommittee report, again, recommended new laws to provide market oversight and stop excessive speculation and market manipulation. I coauthored legislation with Senators FEINSTEIN, SNOWE, CANTWELL, BINGAMAN, and others to improve oversight of the unregulated energy markets. Once again, opposition from the Bush administration, large energy traders, and the financial industry prevented the full Senate from considering this legislation.

In 2007, my subcommittee addressed the sharp rise in natural gas prices and released a fourth report, entitled ''Excessive Speculation in the Natural Gas Market.'' Our investigation showed that speculation by a single hedge fund named Amaranth had distorted natural gas prices during the summer of 2006, and drove up prices for average consumers. The report also demonstrated how Amaranth had shifted its speculative activity to unregulated markets to

avoid the restrictions and oversight in the regulated markets, and how Amaranth's trading in the unregulated markets contributed to price increases.

Following this investigation, I introduced a new bill, S. 2058, to close the Enron loophole and regulate the unregulated electronic energy markets. Working again with Senators FEINSTEIN and SNOWE, and with the members of the Agriculture Committee in a bipartisan effort, we finally managed to include an amendment to close the Enron loophole in the farm bill that was then being considered by the Senate. Although the CFTC's new enforcement authority over these electronic markets was effective upon passage of this legislation, much of the CFTC's new oversight authority will have to be implemented through CFTC rulemaking.

Although the legislation to close the Enron loophole is important to reduce speculation in energy markets, it is not sufficient because a significant amount of U.S. crude oil and gasoline trading now takes place in the United Kingdom, beyond the direct reach of U.S. regulators. So we have to address that second loophole too.

One of the key energy commodity markets for U.S. crude oil and gasoline trading is now located in London, regulated by the British agency called the Financial Services Authority, FSA. However, the British regulators traditionally have not imposed any limits on speculation like we do here in the United States, and the British do not make public the same type of trading data that we do, i.e. it is less transparent. This means that traders can avoid the limits on speculation in crude oil imposed on the New York exchanges by trading on the London exchange. This is what is referred to as ''the London loophole.''

The Stop Excessive Energy Speculation Act—Energy Speculation Act—which the majority leader and others recently introduced to address high prices and reduce speculation, includes a number of provisions that will help stop rampant speculation and increase our access to timely and important trading information and ensure that there is adequate market oversight of the trading of U.S. energy commodities no matter where the trading occurs. One of the key provisions in the Energy Speculation Act would close the London loophole.

The Energy Speculation Act would close the London loophole by requiring the Commodity Futures Trading Commission, CFTC, to determine whether a foreign exchange imposes comparable speculative limits and comparable reporting requirements on speculators that the CFTC imposes on U.S. exchanges prior to allowing traders in the U.S. trading U.S. energy commodities to access that exchange through a terminal located in this country. It would also give the CFTC authority to take action, such as by requiring traders to reduce their holdings, in the event that traders exceed these limits.

The legislation in the Energy Speculation Act to close the London loophole is very similar to legislation I previously introduced with Senators FEINSTEIN, DURBIN, DORGAN and BINGAMAN, S. 3129, to close this loophole. The legislation we introduced was also incorporated into legislation introduced by Senator DURBIN, S. 3130, which, like the provisions of the Energy Speculation Act, would give the CFTC more resources and to obtain better information about index trading and the swaps market.

After these two bills were introduced, the CFTC imposed more stringent conditions upon the ICE Futures Exchange's ability to operate in the United States—for the first time insisting that the London exchange impose and enforce comparable position limits in order to be allowed to keep its trading terminals in the United States. This is the very action our legislation called for.

Although the CFTC has taken these important steps that will go a long way towards closing the London loophole, Congress should still pass the legislation to make sure the London loophole is closed. The Energy Speculation Act would put into statute the conditions the CFTC has stated the London exchange must meet before it will allow it to operate its terminals in the United States, and it would ensure that the CFTC has clear authority to take action against any U.S. trader who is excessively speculating through the London exchange or manipulating the price of a commodity, including requiring that trader to reduce holdings.

There is also concern that some large traders may be avoiding the limits on holdings and accountability levels that apply to trading on the regulated futures exchanges by trading in the unregulated OTC market. In the absence of data or reporting on the activity in the OTC market, however, it is difficult to estimate the impact of this large amount of unregulated trading on commodity prices. Moreover, even if we were to get better information about unregulated over-the-counter trades, the CFTC has no authority to take action to prevent excessive speculation or price manipulation resulting from this unregulated trading.

The legislation to close the Enron loophole placed OTC electronic exchanges under CFTC regulation. However, this legislation did not address the separate issue of trading in the rest of the unregulated OTC market, which includes bilateral trades of swaps through voice brokers, swap dealers, and direct party-to-party negotiations.

I recently introduced, along with Senator FEINSTEIN, the Over-the-Counter Speculation Act, legislation that addresses the rest of the OTC market, a large portion of which consists of the trading of swaps relating to the price of a commodity. Generally, commodity swaps are contracts between two parties where one party pays a fixed price to another party in return for some type of payment at a future time depending on the price of a commodity. Because some of these swap instruments look very much like futures contracts—except that they do not call for the actual delivery of the commodity—there is concern that the price of these swaps that are traded in the unregulated OTC market could affect the price of the very similar futures contracts that are traded on the regulated futures markets. We don't yet know for sure that this is the case, or that it is not, because we don't have any data or reporting on the trading of these swaps in the OTC market.

The Energy Speculation Act introduced by the Majority Leader and others includes this legislation to give the CFTC oversight authority to stop excessive speculation in the over-the-counter market. These provisions in the Energy Speculation Act and in our Over-the-Counter Speculation Act represent a practical, workable approach that will enable the CFTC to obtain key information about the OTC market to enable it to prevent excessive speculation and price manipulation.

This legislation will ensure that large traders cannot avoid the CFTC reporting requirements by trading swaps in the unregulated OTC market instead of regulated exchanges. It will ensure that the CFTC can take appropriate action, such as by requiring reductions in holdings of futures contracts or swaps, against traders with large positions in order to prevent excessive speculation or price manipulation regardless of whether the trader's position is on an exchange or in the OTC market. The approach in this bill is both practical and workable.

Mr. President, I urge my colleagues to vote to proceed to the Stop Excessive Energy Speculation Act. This legislation contains several important provisions that will address the problem of excessive speculation that has been contributing to high commodity prices.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to use the remaining time, including the remaining leader's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, it is good to be with you today to talk about this. Before we begin a vote on a serious subject matter, it is good to talk to you about a few issues and thoughts I have about what is happening and what should be happening during the next 2 weeks in the Congress.

This morning millions of Americans woke up to another costly commute to their workplace. They paid over $4 per gallon to fill their tanks. You will recall that 18 months ago it cost them about $2.60 to purchase the same amount of gasoline.

Family budgets are hurting. On average, the American family will spend $2,200 more for gasoline this year compared to last year. A number of surveys suggest that Americans are driving less because the increased price at the pump is too much a strain on their lives. They are turning to us, their elected representatives, and they are looking for real leadership. Sometimes I wonder whether they have given up or whether they actually expect us to do something. I suggest we ought to do something, and any effort on the part of the majority to make this a couple a day event with a vote on each side or perhaps no votes or no amendments by Republicans, let me say that will not be accepted with very much enthusiasm by the minority, and the Republicans will insist that we stay here until we have had an opportunity to vote on significant amendments that we think the American people are entitled to have put before the Senate.

It seems to me the American people are turning to us, their elected representatives, and asking and looking for some leadership. In overwhelming majorities, the American people are clamoring for more energy production at home. If any oil production or natural gas production exists that we own, which we are not allowing to be produced, the American people are saying: Why not? In fact, they are saying why not open it; let's see what it yields, what it does for us.

The message is clear: Americans are saying we need to drill for more American oil. Now, anything short of allowing up-or-down votes on amendments that will determine whether we honor the request of the American people to drill for more American oil—whether we are going to be permitted to do that is obviously in the hands of the Democratic leader. But I believe we will do our share as the minority—49 of us—to make sure the American people understand whether they are getting a fair shake by us getting a fair shake here on the floor on amendments that would inure to the benefit of the American people. The majority has offered a speculation bill, so far, and that is all we have seen. In the midst of this clarion call from the American people, it now appears my friends on the other side of the aisle might have to be dragged kicking and screaming to even debate whether we need to produce more energy.

After a litany of stale proposals that were rejected—including a windfall profits tax, price gouging, manufacturing taxes, cap-and-trade taxes, and lawsuits against OPEC—the majority seems content to hang its hat on the speculation bill, and a possible ''use it or lose it'' policy. As I speak, it appears that the majority drafts in secret a policy that claims to advocate lower prices while not actually increasing production, and the American people, I believe, will grow more and more impatient, and it will not be hard for them to understand what we are saying as we tell them their impatience is justified.

I wish to address the ''use it or lose it'' issue. You understand that the other side is saying, as far as offshore drilling, there are already leases that exist, where we have given oil companies, large and small, the right to drill for oil or gas under the conditions of the leases that went forth. They were obtained by the oil companies, large and small, by bids. Some bids were very high, some were not so high. All in all, there are a lot of oil companies that have the right to drill. So the other side is asking, how many acres do they have the right to drill upon? And now they are sitting around trying to draft legislation that says they are not using that land they leased from us; they are not using it as much as they should, and we want to pass a law that says: Use it as we prescribe in this new law or lose it.

They are going to try to tell the American people that is the way to get more oil out of parts of the coastal areas of America—understanding they are already leased. Oil companies already have paid money and oil companies are probably already doing everything they can to maximize their return on those leases. Yet, since there are a lot of acres, some of which have not yet produced, they are saying let's look at them and that is where we can get this new oil for America.

We say that is not true. Those leases are time-certain leases, all of them. They are either 5-year or 8-year or 10-year leases. However many millions of acres it is, that is what they are. If you don't produce within the timeframe allowed in the leases—5, 8, or 10 years—then you lose the lease. That is already the law. You already lose it based upon the leases you have.

Let's talk about this idea a little more. This idea was dreamed up in an argument first originated by the Wilderness Society. They claimed that oil companies were sitting on leases, and that if those companies developed those areas, we would not need to open new ones. If only that were true, what a wonderful bonanza we would have for the American people. It is not true. The other side is now saying oil companies must use it or lose it when it comes to these leases. They have proposed adding a tax on companies to punish them for not producing fast enough. This Wilderness Society argument demonstrates a fundamental lack of understanding of how we explore for oil and gas in this country. And the fact that this argument originates with a group that has led at least four major lawsuits in the past 4 years to prevent development in these very same areas speaks to how disingenuous it is. Part of the reason it takes so long for companies to produce is because groups such as the Wilderness Society keep throwing up roadblocks.

Companies are paying lots of money for the right to explore on a lease and are given a short period of time to produce oil. That is the way it is today already. We don't need a new law for that. We don't need new legislation now, when we have a limited amount of time—perhaps 2 or 3 weeks—to debate energy legislation. With the cost of oil at $135 per barrel now, why on Earth would a lessee intentionally sit on a lease and choose not to make money on it?

Why would a company pay money essentially to rent a tract of land and then not use it? I heard the claim that 41 million acres is leased on the Outer Continental Shelf and that acreage, 33 million acres, is not being produced. The use of this statistic shows a fundamental lack of understanding of the long, risky process that begins even before bidding on a lease and hopefully ends with production. The other side is saying that unless oil is literally coming out of the ground on an acre, it doesn't count. Even if the acre is being explored or is in the process of getting an environmental permit or is in any way part of a process that is going on, it doesn't count. Additionally, the use of this argument by groups that consistently go to court to prevent development on existing lease areas speaks volumes about the intent here. Congress currently restricts access to 574 million acres in the Outer Continental Shelf. It actually is clear by any measurable assessment that the majority in Congress is ''sitting on'' far more oil than the oil companies themselves.

There are many different steps toward producing oil, and that, at any given moment, may not be producing but is active and under development. In the 5, 8, and 10 years that a company holds a lease, environmental assessments could be underway. Lessees could be trying to secure permits. The leasing agency could be challenged in litigation and could be reviewing seismic data. All of this takes time. So you look out there and say: It is leased, but it isn't producing yet. Of course not. If somebody tried to produce too quickly, they would be challenged for not spending enough time under the environmental permit laws doing what is required before one can drill.

There are many upfront costs that leaseholders take, that they have to do if they are going to acquire an oil and gas lease. Bonus payments and production, rental payments often cost millions of dollars, and these capital investments are only being made for the ultimate development and production of oil to return a profit on their investment. Simply put, if oil is not produced from a lease, the companies lose money on it.

To claim that companies are ''sitting on'' $135 oil simply ignores the historical fact that because you lease lands does not necessarily mean you are able technically or economically to produce on them or even that there is oil under your lease. But you are entitled to keep it and try to make it productive for the length of time that the lease prescribes within the contents and terms of the document—5 years, 8 years, or 10 years.

Finally, we should point out that the majority already has a ''use it or lose it'' policy. If you are not producing when the term of the lease expires, you turn it back. So this argument really is a fallacy. I have said this before on the floor. It seems as if the more it is said, the more it is documented, the more the other side claims that there are many leases that we should force the lessees to give the land back or produce under some new slogan called ''use it or lose it.''

As the specter of a limited debate lingers with minimal or no opportunity for amendment on this bill, the American family budget continues to be squeezed. Mr. President, 83 days after introducing the American Energy Production Act of 2008, I continue offering a new direction.

In 2006, we opened 8 million acres in the Outer Continental Shelf for leasing. This area contained an estimated 1.2 billion barrels of oil and nearly 6 trillion cubic feet of natural gas. In March of this year, two lease sales on the eastern and central Gulf of Mexico attracted more than $3.2 billion in high bids, upfront bids—a very high payment. The first sale in the central gulf was the largest sale in the history of deepwater OCS leases.

This area is America's new frontier. Today, there are more than 7,000 leases in the Gulf of Mexico that provide 25 percent of the oil produced in the United States and 15 percent of the natural gas produced in the country. The Department of Interior estimates that 300,000 jobs are directly related to gulf energy exploration and the production that comes from that exploration.

As a result of the Gulf of Mexico Security Act, the coastal States stand to reap great benefits from the production of gas through revenue sharing of oil and gas. The following rough estimate provides a window into the opportunity available to other States. According to the Minerals Management Service, Gulf States could receive more than $425 million in oil and gas revenues by 2013, $2.6 billion over the coming decade, and over $30 billion over the next 30 years. Yes, those are accurate estimates. That is what other States—not all of them but some other States—that are on our coasts that might agree to let us look in exchange for giving them the same kind of return we gave Louisiana, Mississippi, and the surrounding States, that is what they could look for. These are huge sums that will be raised and returned to the States through the production of our own energy resources.

They seek to allow coastal States on the Atlantic and Pacific to share in the energy opportunity. I know there are various opinions as to how many we will find there, but we will never know so long as we keep it locked up, which we have done for 26 to 27 years, where nobody would know and tried to hide it from the American people as if it did not belong to them and it was not any good. The truth is, it is theirs in absolute honest-to-God ownership, and it can produce crude oil of the best type and oil in large quantities.

Let's hope that what we do in this area is equal to nearly all the oil produced in the Gulf of Mexico in the last 50 years and is greater than all the oil imported into the United States from the Persian Gulf in 15 years.

This is a big opportunity for the American people, but the majority seems content with small ideas. Within two Congresses, we have passed two major pieces of energy legislation. These two bills were monumental undertakings and required months of deliberation to bring to fruition.

Last Congress, we had EPACT05 on the floor of the Senate for 10 days. We had 23 rollcall votes on the bill, including 19 just for amendments. We had filed 235 amendments to that bill; 57 of them were accepted. That bill took 4 months from the introduction before we sent it to the President.

Last year's Energy bill took almost a year before we had something we could send to the White House. That bill was on the Senate floor for 15 days and had a total of 22 rollcall votes. We filed 331 amendments to that bill and accepted 49 of them.

The majority leader seeks to limit the amendment process in a significant way. I trust we will have the staying power to at least have an opportunity for multiple amendments in the area we are speaking of because the American people deserve it and the American people should have it.

I have completed my remarks. I yield the floor.

Mr. REID. Mr. President, it is my understanding I have 10 minutes under the order. I yield 5 minutes of that time to the Senator from Washington.

Mrs. MURRAY. Mr. President, all of us who go home and listen to our constituents each weekend know one thing and one thing only is on their mind these days; that is, the rising price of gas. I have made a habit of writing down what I pay each weekend when I fly out to Washington State, and when it hit $4 a month or so ago, I was aghast. Imagine what everyone filling their tank in Washington State is thinking now that the price in my home State is pushing $4.50 a gallon. We need action. We need action now.

For months, Democrats have been trying to address this problem by providing short-term relief along with a long-term strategy. For months, we have heard only two things from our friends on the other side of the aisle: No, and drill. Democrats know there is no silver bullet to this crisis. It is going to take a series of steps, both short term and long term, to bring some sanity back to the situation.

Today, we are going to vote on another of those short-term solutions, and we are going to try to end excessive speculation in the markets. Democrats believe we have to rein in Wall Street and our traders who are unfairly driving up these oil prices. With regard for nothing but their own profits, some traders are bidding up oil prices by buying huge quantities of oil just to resell it at an even higher price. For nearly 8 years now, the Bush administration has turned a blind eye and let these questionable practices continue with virtually no oversight. Some experts are saying this kind of trading now accounts for 20 to 30 percent of what we pay at the pump.

The Senator from Texas, Mr. CORNYN, was on the floor earlier and asked for specific citations. Mr. President, I ask unanimous consent to have printed in the RECORD remarks from a series of economists, such as Gerry Ramm of the Petroleum Marketers Association, the Acting Chairman of the Commodity Futures Trading Commission, the former Director of the Commodity Futures Trading Commission, and others.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Economist Mark Zandi Said Speculation Played a Role in Driving Up Oil Prices. Asked if he believed speculation played a role in driving up oil prices, Zandi responded, ''Yes, I believe so, yes. The oil market has become a financial market. And it's affected by all kinds of speculators, momentum players, people just betting on prices increasing or falling, in this case, obviously, increasing. And so they ran in quickly and drove up the price. And that clearly has played a role. I mean, you don't see a $10 move in the price of oil without some financial speculation involved, as well.'' [PBS Online Newshour, 6/6/08]

Gerry Ramm of the Petroleum Marketers Association of America Blamed Speculation for Driving Up Oil Prices. ''Excessive speculation on energy trading facilities is the fuel that is driving this runaway train in crude oil prices today. Excessive speculation is being driven by what Michael Masters of Masters Capital Management refers to as index speculators, as compared to traditional speculators.'' [Testimony of Gerry Ramm, Petroleum Marketers Association of America, before Senate Committee on Commerce, Science and Transportation, 6/3/08]

Acting Chairman of Commodity Futures Trading Commission Said the Oil Markets Are ''Ripe for Those Wanting to Illegally Manipulate the Market.'' Walter Lukken, Acting Chairman of the Commodity Futures Trading Commission, conceded that crude oil markets are ''ripe for those wanting to illegally manipulate the markets.'' [CNBC, 06/17/08]

Former Director of Commodity Futures Trading Commission's Trade Division Michael Greenberger Said Speculation Went Beyond Supply-and-Demand Problem in Oil Market. Michael Greenberger, a former top staffer at the Commodities Futures Trading Commission, said, ''There can be no doubt that there is a supply-and-demand problem at work here. But many believe, including me, that there's a speculative premium that goes beyond what supply-and-demand factors dictate. And that's what could be drained with aggressive United States regulation.'' [McClatchy, interview of Michael Greenberger, 6/17/08]

Greenberger Calculated 70 Percent of Oil Market is Driven by Speculators, Rather Than Those With Commercial Interests. ''My calculation is right now that about—at least 70 percent of the U.S. crude oil market is driven by speculators and not people with

commercial interests. Most of those speculators do not have spec limits. They can buy whatever they want.'' [Testimony of Michael Greenberger, Professor at University of Maryland Law School, before Senate Committee on Commerce, Science and Transportation, 6/3/08; McClatchy, 6/17/08]

Former Director of Commodity Futures Trading Commission's Trade Division Michael Greenberger Said Oil Speculation Adds 25–50 Percent to the Cost of Oil. When Michael Greenberger, a former top staffer at the Commodities Futures Trading Commission, was asked how much oil speculation increased costs per barrel of oil, he replied, ''Well, there have been various estimates—anywhere from 25 percent to 50 percent.'' [CBS News, 06/17/08]

Mrs. MURRAY. Mr. President, the Stop Excessive Energy Speculation Act of 2008 that the Senate is going to move to proceed to will shine a light on those trading markets. It will increase oversight and reporting on oil trading, and it will significantly improve the resources available to the Commodity Futures Trading Commission. While addressing speculation is not the silver bullet that will bring prices down at the pump, we do believe that by increasing our oversight and regulation, we will ensure that consumers are better protected in the months and years to come.

Unfortunately, as I mentioned earlier, our friends on the other side have their message down pretty pat now. They say no to any reasonable solutions we offer, and then they turn around and say we just need to drill more. We say fast-track our domestic production. They say no. We say increase the supply of oil now. They say no. We say accelerate investments in alternative energy to help break that addiction to oil. They say no. And now we say end excessive speculation. I hope they won't say no again.

Do they offer anything more than no? Well, yes. They say drill, drill, and drill—a plan that even their party's leaders said has mainly psychological benefits, a plan that even President Bush's own team says will not affect our oil prices, and a plan that will not produce a drop of oil for 7 to 10 years.

Unfortunately, their plan on that side is nothing more than a continuation of the Bush-Cheney big oil love affair that got us into this mess in the first place. Republicans seem committed to fattening big oil's bottom line. Well, Democrats are more worried about your bottom line.

The oil companies made $250 billion last year. It is time for us to deal with consumer prices. We have tried to do things the Republican way for 8 years now and unfortunately what we hear from them today is more gimmicks and tired old ideas, the same status quo.

With record gas prices and our economy spiraling deeper into recession, Democrats think it is long past time for a bold new direction. We hope our Republican counterparts will join us today and move this bill forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I ask unanimous consent to use leader time to complete my statement over and above the 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, the American people, I am sure, viewing our proceedings here in the Senate or from the visitors gallery or on C–SPAN must think they are watching an episode of the ''Twilight Zone.'' The reason I say that is yesterday morning, Senator MCCONNELL and I both opened with statements about our national energy crisis. We both talked about the plan we had and the pain that high gas prices are causing the American people.

Recently, I mentioned a public school teacher—he delivered the Saturday address for us—and his wife who live in upstate New York who are now spending all of the money they saved for their children's college education to pay for gasoline.

Senator MCCONNELL, for his part, talked about the frustration of truckers, stay-at-home parents, commuters, and vacationers. Anyone watching our two sides talk about the gas prices must have gotten a little confused. They must have been saying to themselves: If they both agree on the problem, why can't they work together to find a solution? The reason for that is very simple: Republicans and Senate Republicans refuse to join in negotiating in any way. They refuse to legislate. They, in fact, refused to take ''yes'' for an answer. We are shortly voting on cloture to proceed on legislation to stem the excessive speculation on Wall Street that is contributing to high gas prices.

Is this the only problem? Of course not. But it is a problem, absolutely. Democrats have said from the start that curbing speculation is not a panacea and will not solve all of our energy problems with the snap of our fingers.

But there was a Republican Senator on the floor today who asked a question: Who is saying this speculation accounts for 20 to 50 percent of the price of gasoline? We have laid those names in the RECORD. There is no doubt that it is a major part of the problem. The Republicans acknowledged that by putting that provision in their so-called energy bill.

But with experts saying that speculation accounts for 20, 30, even 50 percent of the price of gasoline, there is no doubt there is a major problem. How does excessive speculation drive up prices in the short term? Wall Street traders simply buy oil, sell it, and I repeat, as they do: They buy, they sell, they buy, bidding the price ever higher. They never intend to actually own or use the oil they buy, they only keep buying and selling and pocketing the profits. The problem is the American people are stuck paying the bill every time we fill our gas tanks.

This kind of unlimited energy speculation was not even legal 8 years ago for traders who never intended to buy or sell or use the commodity. Back then you would have to actually take delivery of the oil you bought or face position limits on your trading. Few Wall Street firms wanted tankers pulling up to their front doors with barrels of oil.

The market price of oil was decided by honest people in the marketplace, the so-called supply-and-demand factor. Then the Republican Congress stepped in and allowed oil to be traded back and forth without even delivery of the oil. That effort was led by former Senator Phil Gramm, chairman of the Banking Committee, a long-time member of the Finance Committee, the same Phil Gramm who served as Senator MCCAIN's economic adviser until yesterday, and recently called America a nation of whiners.

This is the same guy who has set forth his speculation aspect of what is hurting the market so badly. Senator Gramm's bill created a mouse click; that is, you touch your computer and you can buy lots of oil you will never use and never want to use.

The Bush administration has done nothing to oversee this. Now the American people are suffering the consequences. Nothing is ever certain in the energy market. But if our legislation to provide new consumer protections on speculation becomes law, it should immediately and sustainably lower prices.

Democrats are not the ones who think so. I do not know the party affiliation of the people whose names I am going to list, the experts: Former CFTC Trade Division Director and current economics professor at the University of Maryland, Michael Greenberger. He says the price is from 20 to 50 percent because of speculation.

Consumer advocate Mark Cooper says the same. And even the senior vice president of ExxonMobil, Stephen Simon, says speculation is part of the problem; even Exxon. We have a man who serves as the chief executive officer of United Airlines, Glenn Tilton. Here is a man who was president of Texaco, vice chairman of Chevron, and he says speculation is a big problem and we have to do something about it and do it right away.

So my Republican colleagues who say speculation is not an issue, here are a few of the people who agree with us. And obviously, the Republicans must have thought in the old days, a couple of weeks ago, that it was a problem because they stuck it in their legislation. Now they say it is not important.

But my friends on the other side of the aisle have said in speeches and press conferences that we should do something about speculation—that is what they used to say. It has been a component of their energy plan. In fact, Senator MCCONNELL said on the floor yesterday, ''strengthening regulation of the futures market is a worthwhile piece of the legislative effort.''

The American people must be thinking, Democrats and Republicans do not agree on much, but they seem to agree that curbing excessive energy speculation is part of the solution. If we did nothing else but pass the speculation bill, the American people would be very happy, and the markets would be struck quickly and the price of oil would go down.

Yet now that a reasonable and responsible speculation bill has reached the floor, Republicans seem to be scurrying into the corners and shadows of this Capitol complex. Now that we have an opportunity to actually do something to deliver some relief to the American people, all Republicans want to talk about now is drilling. They are so happy that the oil companies are running full-page ads about drilling.

Democrats have shown how serious we are about addressing this problem. We have said to the Republicans: Along with our speculation bill, let's vote on your offshore drilling. That is what you said is the problem. Let's drill some more. Let the Governors decide what should happen on the Outer Continental Shelf. They said that is what the problem is. Let's do something about it.

And we said: Okay, let's vote on that. Well, they say: No, that is not a good idea. Even though we believe in that and we have talked about for months how important drilling is, we want 27 other amendments. We do not want to do anything about speculation, and we do not even want to have a vote on drilling unless you give us 27 other amendments.

Let's assume that Republicans would allow a vote on their amendment, and we have a vote on a Democratic drilling amendment. You see, we are not opposed to drilling. Democrats are not opposed to drilling. We believe the future is ahead of us, and we believe the oil companies should use the 68 million acres they now have; the 8.3 million acres that we worked on less than 2 years ago to give them the ability to take a look in the Gulf of Mexico. They said it was so important to do that. They have not done anything about that. I do not think they have gone fishing out there, let alone doing any exploration out there. There are 8.3 million acres; they have not done a thing with it. We have 25 million acres in Alaska that are subject to being drilled right now. All the White House has to do is let some more of these leases.

So we are not opposed to drilling. But we are saying: Use the 68 million acres. Take a look at all the other land available. This drilling is a political thing for the Republicans. Simple math indicates we control, counting ANWR—which, by the way, MCCAIN is now against; he does not want to drill in ANWR. But let's assume you take ANWR and all the other offshore issues they are talking about. That is less than 3 percent of the oil in the world. We use more than 25 percent of the oil every day. We cannot drill our way out of the problems we have.

So we think it does not make sense to start giving up more acres of American coastline in addition to the 68 million, plus the 25 million acres in Alaska. We believe it makes sense to open more coastal areas for drilling. We say: Go ahead and do that. The President has the authority to do that.

Time Magazine this week, the one that is on the newsstands today—I tore a page out of it: The offshore waiting game. They have a little piece of literature here. They say it is going to take a long time. Here is why: It will take up to 2 years for oil companies to survey sites and bid on available leases. It will take up to 2 years for the highest bidders to do seismic tests and analyze the results. It will take up to 3 years for exploratory drilling. It will take up to 2 years if oil is discovered; plans for platforms and pipelines are submitted for Government review. It will take another year to review that. It will take up to 3 years for oil companies to build platforms and pipelines. And finally the oil is pumped out.

Add those numbers together and it is about 15 years. Well, what we say, we are not opposed to drilling, but there are lots of places we can be drilling right now. So the American people cannot wait all of these years. Increasing production is important, but even Republicans must admit it will do absolutely nothing to lower prices in the near term.

Nevertheless, Republicans have called for a vote on their offshore drilling plan. We are willing to give them what they want. They are not willing to take ''yes'' for an answer.

I hope all Senators, Democrats and Republicans, would vote to invoke cloture on the speculation bill, that we can go forward with that, have a vote on their drilling, and we have read all of the ads the oil companies have paid for, and the Republicans have followed step by step what the oil companies want. We are willing to give them a vote on that. I do not know how we can be more fair than that. All we want is the opportunity to vote on what we think is important too.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 882, S. 3268, the Stop Excessive Energy Speculation Act of 2008.

Harry Reid, Jeff Bingaman, Byron L. Dorgan, Christopher J. Dodd, Amy Klobuchar, John F. Kerry, Daniel K. Inouye, Patrick J. Leahy, Patty Murray, Bernard Sanders, Jack Reed, Sheldon Whitehouse, Bill Nelson, Richard Durbin, Frank R. Lautenberg, Tom Harkin, Maria Cantwell.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. OBAMA) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 0, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—94

Akaka	Dole	Menendez
Allard	Domenici	Mikulski
Barrasso	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Biden	Feingold	Pryor
Bingaman	Feinstein	Reid
Bond	Graham	Roberts
Boxer	Grassley	Rockefeller
Brown	Gregg	Salazar
Brownback	Harkin	Sanders
Bunning	Hatch	Schumer
Burr	Hutchison	Sessions
Byrd	Inhofe	Shelby
Cantwell	Inouye	Smith
Cardin	Isakson	Snowe
Carper	Johnson	Specter
Casey	Kerry	Stabenow
Chambliss	Klobuchar	Stevens
Clinton	Kohl	Sununu
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Coleman	Lautenberg	Vitter
Collins	Leahy	Voinovich
Conrad	Levin	Warner
Corker	Lieberman	Webb
Cornyn	Lincoln	Whitehouse
Craig	Lugar	Wicker
Crapo	Martinez	Wyden
DeMint	McCaskill	
Dodd	McConnell	

NOT VOTING—6

Alexander	Kennedy	Obama
Hagel	McCain	Reed

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 94, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the time until

12:30 be equally divided between the two leaders or their designees, and that the time during the caucus recess count postcloture.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair.

Mr. President, I now seek recognition in my own right.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, there is a buzz on the floor. I would like regular order.

The ACTING PRESIDENT pro tempore. Can I get the Chamber to come to order, please.

The Senator from Maryland.

Ms. MIKULSKI. I thank you, Mr. President.

The reason I have asked to be heard is because my constituents want to be heard. I am here today to speak on the Senate floor about the skyrocketing high prices at the pump, which are really hurting my constituents. They are hurting families, they are hurting small businesses, and they are hurting all of our volunteer efforts.

Gas prices in my State have dramatically increased. In March of last year, 2007, gas prices were at $2.50 a gallon. They have now skyrocketed to $4 a gallon. There has been a $1.50 increase in a little over a year. My Maryland families are now paying $5,000 per year on gas. That is up from $3,200 a year when George Bush took office.

In the Federal Government's budget, $2,000 might not be a lot, but in a family budget it is a budget buster. Look what you can do for $2,000. No. 1, if you are a senior, it pays for the doughnut hole so you can get your prescriptions filled. If you are a family, that is enough to send one of your children to a community college.

Yes, $2,000 makes a big difference. Maryland families are stretched and strained. Gas prices drive their lives, and they feel as though they are running on empty. Gas and groceries go together. When gas goes up, so do groceries because of just the added cost of delivering them.

When you talk to families, they are struck with incredible anxiety, wondering where is this going to end. The cost of commuting has more than doubled or is even close to tripling for many of our families.

Families are now asking how do they get their kids to school or to soccer practice or to other activities.

Seniors are wondering how do they cluster their medical appointments so if they live in the rural part of my State, they can drive to the doctor they need, while wondering about how they are going to fill up their gas tank.

The seniors I represent say: If I have to fill up my tank, I don't know if I can fill my prescription or even get to the doctor.

We have to do something.

As to the impact on business—from the taxicab driver, where the costs are going up, to the florist making deliveries, to the trucker delivering goods—what we see is they either have to pass the cost on to the consumer or go broke. We cannot let people go broke because of skyrocketing gasoline prices.

A sector that is very near and dear to me is the volunteer sector. Look at the impact of rising gas prices on Meals on Wheels. Nearly 60 percent of the Meals on Wheels programs have lost volunteers who cannot afford gas. Did you hear that? Sixty percent of the people who deliver Meals on Wheels have said they have to take a pass because they cannot afford gas. Most of the people who deliver Meals on Wheels are seniors themselves. Senator CARDIN has a bill to alleviate that.

So everything from Meals on Wheels to volunteer firefighters, who are trying to figure out how to pay for the gas for their firetrucks, we are in a serious crisis. So we have to act.

Now, there are those who say: Drill here and drill now. I will talk about drilling on another day because I support smart drilling that is environmentally safe, achieves productivity, and, if we drill, stays here. I believe we have 68 million acres already owned by the oil companies. So if they want to drill, drill where they have it.

But what I want to talk about today is what we know is driving up the cost per barrel by as much as $80. This bill is about speculation. This bill that is pending for discussion in the Senate is about casino economics, and that is what is going on now. We have people trading in the energy market not to be able to buy the futures in oil for their own use—whether you are a local government or whether you are a refinery. It is about trading in futures and building it up like a pyramid scheme. They do this casino economics by doing a lot of their trading through loopholes, one of which is called the London loophole.

The London loophole is about an exchange called the InterContinental Exchange. It is in London. It is owned by an Atlanta company to evade American laws and regs. Did you get that loophole, Mr. President? The London loophole is about an intercontinental exchange in which 30 percent of American energy futures are traded. It is owned by an Atlanta company.

Why do they do this through London? Because it evades American laws and regs against speculation.

Well, we can immediately deal with the gouging and the excessive speculation by closing that London loophole. That is part of the bill that, if we move past cloture, we can get. We need to close that London loophole so investors cannot exploit the market by avoiding U.S. law and avoiding U.S. regulation. If you are going to trade as an American company, go by American rules.

The legislation we propose makes sure the Commodity Futures Trading Commission sets tough limits on speculators. By the way, that group, the CFTC, is the regulator for commodities. It is called the Commodity Futures Trading Commission. We want them to be able to have the legal authority to set limits to deal with excessive speculation.

We also want to give them the resources they need. In 2003, the futures market was $13 billion. Today, it is $260 billion. That is ''b'' like in ''Barb,'' not ''million'' like in ''Mikulski.'' So we have seen this enormous increase, but we do not have the professional staff to be the cops on the beat to deal with speculation and illegal activity. So our legislative proposal calls for 100 more professionals. We want to detect excessive speculation and fraud. We want to prevent it, and we want to prosecute it.

Markets need to work for free enterprise, not for freewheeling exploitation. Closing the London loophole and putting caps on speculators to stop the casino economics is recommended, and it is predicted we could lower the cost per barrel by as much as $80. So if oil is trading at $130 or $140 a barrel, we could bring it down, generally, to a more reasonable market-based price of about $60 a barrel.

That would be stunning. That would be absolutely stunning. It would get us back to where we were last year. It would give us an important path forward to help our economy, which is in a deep recession. We know we have to do more. We Democrats believe in conservation. That is why we increased the CAFE standards, which go to greater full utilization in passenger vehicles and trucks and buses. We know we have to develop alternative fuels. We need to do research and pass tax incentives so we power our homes with wind and solar. We also know we need to stop price gouging.

We have to roll up our sleeves and get the job done. It is one thing to debate ideas, it is another thing to have a filibuster. I believe in debating ideas, taking a vote, and letting the majority win. I am ready to duke it out on the idea.

My constituents and I are pretty sick of the tyranny of 60. I thought in this country in a body of 100, 51 was a majority. We have these arcane rules that we can play games with to hide behind our true thinking. I call it the tyranny of the 60. It is slowing down what we need to face up to, which is real debate and real votes.

I believe energy will determine our destiny, our security, our economy, and our standing in the world. This is a serious matter. For the last 18 months, with the Republican obstructionism, what we have found is that when all is said and done, more gets said than done. Let's end the filibuster, let's end the parliamentary games, and let's get serious about what the American public wants us to do, which is roll up our sleeves and present the best idea for arriving at solutions. Let a real majority win and, most of all, let's start putting America first, putting America over political parties. I am a member of the Democratic Party, but a

larger party I belong to is the red, white, and blue party. I think we should have to start acting that way. Let's get the job done, bring this to a vote, and let's stop the speculation, stop the cronyism, and let's get real value for the American people.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, when I am approached about the energy crisis we are facing—and I am approached frequently by constituents and even family and friends—you can tell that people are feeling at the least very uneasy about this situation. There is a weight that comes with soaring prices on fuel, food, and everything else that is part of our daily spending habits. Every time Americans fill up their tanks, check-out at the grocery store, or make a decision about where to cut spending, that weight gets heavier and heavier.

The American people are looking to us for solutions. We have a responsibility to make difficult decisions here in order to provide them much needed relief at home. For many months, Republicans have been working to provide that relief. We have been focused on a three-pronged approach: boosting renewable energy, encouraging energy efficiency, and growing our American supply of energy. This line of attack balances the need for us to be responsible stewards of our environment with the need for reliable, affordable energy to fuel our lives and our economy. We are not in a position to rely on any one solution to lift us out of this crisis.

However, the Democrats are focusing their efforts on a single idea to respond to the pleas of Americans. Rather than dedicate this body to building a comprehensive energy plan that provides real solutions for the future, Democrats have put forward a plan to curb speculation. This approach does little, if anything, about high gas prices. Instead, the Democrats' speculation bill could hurt our economy by eliminating investment options that our Nation's retirees depend on, make American businesses less competitive, and ultimately drive U.S. jobs overseas. The only way to significantly lower the price of gas is to increase supply.

Let me repeat that. The only way to significantly lower the price of gas is to increase supply. Let's harness the power of our commodities markets and take concrete steps to expand the future supply of American energy. The market will take this into account, and I am certain we will see prices at the pump fall.

This plan to blame all of our troubles on speculators does nothing to bring down prices at the pump, which means it does nothing to bring down the price of food, clothing, or any other consumer goods that are affected by the price of gasoline. It will not provide relief for struggling Americans, and it lacks the vision and the leadership our country needs on this issue. All it does is delay other efforts that would make a difference.

One thing the Democrats are doing successfully is blocking the efforts of Republicans to fully participate in shaping this legislation. The problem is bigger than speculation. Good ideas from all sides should be considered.

We are talking about one of the greatest challenges facing our Nation, and our constituents have no voice in this process. They need to have their voices heard. Countless constituents have taken time to share their personal stories with me, and there is a common thread in their messages. Fixed-income seniors worry about driving to the doctor, buying their medicine, and paying for food. They are asking for real solutions. Many Nevadans cannot afford to travel to visit ailing relatives, and our entire tourism industry in the United States is being hurt by the high cost of fuel. The airlines are in trouble and will be cutting jobs. Manufacturers are cutting jobs. Families have to cut spending a little deeper each week to balance their budgets. They are asking for real solutions, and they are asking for them now.

There is a real solution. It is a plan that reflects the innovative spirit of our country and the commitment we all have to preserving the environment. It involves going back to that balanced approach that boosts renewable energy, encourages energy efficiency, and grows our American energy supply.

With families tightening their budgets more and more, with seniors struggling month to month, Americans do not want to hear that there are trillions—literally trillions—of barrels of American oil off limits to meet their energy needs. Trillions of barrels—not in Saudi Arabia or Venezuela, or in some other country that hates us—but right here in the United States, under our control.

At least 10 billion barrels are up in ANWR; at least 8.5 billion barrels in deep sea exploration; by some estimates, 1.8 trillion barrels of oil from oil shale in Colorado, Wyoming, and Utah. We also have a 230-year supply of coal and great potential in nuclear energy. These American sources, combined with conservation and aggressive investment in renewable and green energy—solar, wind, geothermal, hydropower, fuel cells, and electric vehicles—are the key to setting us on a course to energy independence and security.

There are some who argue that increasing American energy supply will provide no immediate relief. They argue that ANWR, deep sea exploration, and oil shale are years away from producing sizable amounts of energy. The same could be said for renewable energy development. But these changes would lower prices and would do so quickly because the market will react to expected energy supply increases. The American people would react to the fact that we have shown vision and accomplished something for their good.

Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. There is 2½ minutes.

Mr. ENSIGN. Even so, when has instant gratification been the mantra of investing in American innovation? Highways and bridges aren't built in a day, but we know they are an investment in our infrastructure. Schools and libraries aren't built in a day, but we don't throw our hands in the air and say ''never mind.'' We plan for the future.

Standing around talking about how long it will take to get these projects on line doesn't help get the process started any faster. The time for talk passed as quickly as $3.50 a gallon came and went. Enough is enough. The American people are looking to us to provide much needed relief. We must rise to the occasion.

I ask my colleagues across the aisle, what is the magic number for gasoline per gallon before they are willing to act on a comprehensive energy strategy? The American people want to know how much longer they must suffer, while we stand here debating oil speculation.

Bill Clinton vetoed ANWR 10 years ago in a bill passed by a Republican Congress. If he had signed that bill into law, at least 1 million barrels of oil per day would be coming to the United States. Gas prices would be lower.

Let's not miss another opportunity for action, and let's not ignore the cries of frustration from our constituents. Let's show them we understand the difficult choices that they are making, and that there are solutions on the horizon. Let's act now.

We need to extend renewable energy tax incentives before they expire. If we fail to act, we will be responsible for the end of American renewable energy innovation.

We need to improve the barriers that stand in the way of our new American energy frontier. Let's send our enemies in the Middle East a pink slip that we won't be requiring their services any longer. Isn't it time to stop subsidizing their economies? We send them $700 billion a year and, at the very least, they are teaching a new generation to hate America. At the worst, they are funding the weapons used against Americans. A comprehensive energy plan means that our economy and livelihoods won't be held hostage any longer.

That is the day I look forward to and that all Americans look forward to. But to get to that day, we have to act. On behalf of the more than 2.7 million Nevadans, who need us to do something, I ask you to make comprehensive energy legislation something we can all be proud of.

I yield the floor.

Mr. SCHUMER. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. SCHUMER. Mr. President, we are at a seminal moment in America. American consumers are being battered by high oil prices, high home heating oil prices, all high energy prices. The average middle-class person is squeezed more than ever before. People are not going to college, people are not taking jobs, people are not visiting grandkids, and it is all because of high oil prices. It is changing the way we live—and not for the better. Americans are crying out.

What is the answer? My colleagues on the other side of the aisle are stuck in the past. They talk about drilling more. Of course they do; they always do what big oil wants. Big oil now, big oil forever. That is the Republican motto. Do what they want and nothing else, while consumers foot the energy bill.

We cannot drill our way out of this problem, we know that. We have 3 percent of the oil and 25 percent of the consumption. We cannot drill our way out of the problem. Are there good, constructive ways we can, in the short term, increase domestic production? Absolutely.

I was one of the Democrats who rallied us to drill in the gulf on a large tract of oil. There are plenty of places, as my colleague from North Dakota talked about, in Alaska, but make no mistake about it, the price of oil will not come down until we reduce our dependence on it.

Democrats are fighting for a new future, not looking at the past, finding one little bit of oil here, one little bit of oil there, and praying it will solve our problems. We are looking for alternative and renewable sources of energy to play a major role in our energy supply, freeing us from oil: No more OPEC. The Republican plan would reduce dependence on OPEC from 50 percent to 45 or from 60 percent to 55. It is not going to do a darn thing. Particularly, every bit of new oil we find here—and I hope my colleagues will say all the new oil we find here should be used only in the United States. But China and India will consume far more than we find in the next 10 or 15 years.

Let me say this: There will be more new cars in China and India in the next decade or so than we have cars in America. We cannot drill our way out of the problem.

I understand my colleagues' desire for their program. It helps big oil. That is what we have done all along when the Republicans have been in charge. Big oil now, big oil forever. America knows that is not going to work. We are in a new world where there is not enough oil to meet our needs.

What are we doing on our side? We are for increasing domestic production in the short term in a rational way, but we are not depending on it. It is not the main part of what we are talking about because we know that will simply lead to higher oil prices. It will never reduce the cost of oil enough to bring relief to the American family.

What should we be doing? What are Democrats proposing? We are proposing reducing our dependence on oil and foreign oil in particular. We are proposing incentives for alternative energy—wind and solar. T. Boone Pickens, a big oilman, says we cannot drill our way out of the problem.

We are proposing dramatic changes in our automobiles. You can have an electric car that drives just as far and long as a gasoline-driven car and rides more smoothly with the same power and the same torque. Why aren't we pushing that? Big oil companies don't want it. They won't be selling those batteries. The big oil companies don't want wind power or solar power. They are not involved in those issues.

The head of ExxonMobil told our Judiciary Committee a year and a half ago that they do not believe in alternative energy. Of course they don't. They are making record profits, and the greater demand and the less supply, the higher their profitability.

We have tried in the past to reduce dependence on oil. We have a renewable portfolio standard so our utilities will not just depend on oil and fossil fuels. We have tried to push tax changes, take the tax breaks away from big oil and give them to wind, solar, bio, thermal, and cellulosic ethanol. Again, we are blocked by the other side of the aisle. In other words, if big oil wants it, that is good, says our colleagues. If big oil is against it, we are against it. We will come up with some reason.

But what we will be doing on this Energy bill is looking at the future, not at the past. What we will be doing on this Energy bill is recognizing that 10 years from now, demand in America should go up for energy because we have to grow, but it cannot come from oil. What we are looking at is a future where our cars do not need gasoline. We are looking at a future where our homes are powered by the Sun and the wind and other more natural forces. We are looking at a future where we conserve, an issue of passion to me.

In 1978, California passed building standards to increase energy efficiency in homes and buildings. Do you know California has the lowest per capita consumption of energy—even with all their car use—in these United States? It is not New York with our mass transit; it is California because so many of their buildings are now efficient. Forty percent of the energy we consume goes into heating and cooling buildings, 35 percent into gasoline, of total energy consumption.

I have been advocating that we adopt California standards nationwide. It is a rather painless way to go. Where are we? It is not going to produce results in 6 months, but it sure will in the next several years. California has led the way.

Why don't we do the same for appliances? Why don't we do the same for utilities and require them to be more efficient? We cannot be profligate. We can grow and live better and consume less energy at the same time.

There are so many breakthroughs about to occur, and we should be encouraging them with Government policies and tax breaks, and instead we hear from the other side: Do what big oil wants; just drill.

The bottom line is we cannot drill our way out of the problem, I say to my colleagues, we cannot, and we must have an energy policy that looks at the future.

In conclusion, I say this: Republicans equal big oil equals the past. Democrats equal alternative energy. We are the future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise today to speak about the price of gasoline and diesel fuel, a price that is affecting all Americans. High prices at the pump challenge many Americans who travel great distances for work, for school, or to shop for groceries. This is especially acute in sparsely populated States such as Wyoming.

These prices are resulting in dramatic impacts to our economy. America is now importing more than 65 percent of the oil we consume. We are sending hundreds of billions of dollars overseas to foreign nations that are not necessarily our friends.

It is well beyond time for Congress to act and to adopt meaningful short-term, medium-term, and long-term solutions. As a matter of principle, I believe the Senate must act on a set of solutions rather than pursue a piecemeal approach.

I am an original cosponsor of two pieces of legislation that include a range of solutions—S. 2958, the American Energy Production Act, and S. 3202, the Gas Price Reduction Act. Combined, these bills include provisions on advanced technology, on speculation, and on added supply. The bottom line is, we need to find more and use less.

Today, I wish to speak on two points. One is limiting market speculation, and the other is increasing domestic production.

Based on a range of testimony, it is clear to me that there is dramatic disagreement on the extent to which excessive speculation contributes to the runup in oil prices. As a physician, I am quite concerned that some may have misdiagnosed the energy crisis. In my view, it is a classic misdiagnosis where policymakers focus too much attention on the symptoms of the predicament rather than the underlying causes of the problem.

I am absolutely convinced that the fundamental issue here is one of supply and demand. Simply because market speculation is a symptom of that larger problem does not mean we should shy away from addressing it head-on. Dealing with speculation, however, is not the full answer. We must combine these efforts with meaningful action to expand domestic supplies and to encourage conservation and energy efficiencies.

On the issue of market speculation, I have concluded three fundamental points: One, American consumers should not bear the burden of those who seek to manipulate markets. Two, the United States should not push our financial services trading to foreign countries. We should not replace excessive speculation with excessive regulation. And three, we should strengthen the futures trading markets. This can be done through investing in additional research, requiring transparency, putting more cops on the beat, and strengthening requirements on foreign boards of trade.

Efforts to address market manipulation require a careful balance. Increased visibility into transactions must not turn into onerous regulations.

More importantly, steps to curtail speculation must be combined with real solutions to address the underlying fundamental of domestic supply and demand. We must insist on efforts to increase our energy supplies, promote conservation, and encourage energy efficiencies. We would be failing the American people if we did not talk about increasing the domestic supply of energy.

I must comment on proposals to punish companies that some believe are not developing leases as quickly as they should. This is a ludicrous argument. Frivolous lawsuits and substantial administrative hoops dramatically delay oil and gas exploration and production even on valid existing leases. These punishing tactics being proposed are akin to leasing an apartment, only to have your landlord withhold the keys and complain about why you haven't moved in yet. Rather than punishing existing operators, we can and should streamline the permitting process.

Recently, I was in the part of Wyoming known as the Powder River Basin. It is in the northeastern part of the State. I heard firsthand about the obstacles people are facing when they try to find more oil and gas. American producers are routinely faced with rules and regulations that limit drilling for one reason or the other.

Typical restrictions are related to both occupancy of the land and the time during the year American producers can operate. Examples of prohibitions include extensive restrictions for bird roosting, for bird nesting, for migration, and for wildlife feeding.

The seasonal prohibitions currently limit exploration to a small fraction of the year in many areas. As we can see from this chart, some areas are off limits to produce for all but 10 weeks of the year, from August 16 through October. This is the only time of the year they can produce. If this calendar represented the blackout dates for using our frequent flier miles rather than the dates blacked out for finding the energy that powers our airlines, I guarantee you that outraged citizens all across this country would be pounding down the doors. Let's take a look. January blacked out. February blacked out. March blacked out, April—go through the calendar—May blacked out, June, July. And the charge from the other side of the aisle is that companies are not producing on their leases fast enough.

The bottom line is, there are many reasons why there may not be active exploration and production on lands already under lease. If Congress is serious about producing oil on existing leases, then Congress needs to critically review the process needed to develop oil and gas wells.

As of late June in Wyoming's Powder River Basin, there were 2,589 applications to drill that were awaiting approval by Federal bureaucrats. These are on land where the company has already paid for the lease but is not yet permitted to drill. They have paid the rent, but they have not yet been given the keys to move in.

The vast majority of the applications face extensive administrative delays. What is the current law? The current Federal law requires that permits be either issued or deferred within 30 days of the day the Government receives the completed application. That is right, the law says Federal bureaucrats must give an answer in 30 days. Well, there are many instances where there is not even the acknowledgment that the submitted application was received. Moreover, the applications sit for months and months, in some cases even over a year, and still Federal bureaucrats have not processed the application to drill.

In a small provision that was slipped into this year's consolidated appropriations act, these production companies now have to, in addition to all the paperwork, pay $4,000 every time they request a permit to drill—a permit that is on land that they have already leased and paid for, a permit that is not being processed in a reasonable, timely manner, and a permit that may not be processed for months or even years.

There are over 850 drilling permits, just in Wyoming, that have been specifically delayed due to policy development, environmental delays, and even litigation. For people to say that oil and gas operators are sitting on leases without any intent to drill is intentionally misleading. In my State, the producers want to drill and they are waiting to drill. They are simply waiting for the Government traffic cops to give them the green light.

For people who claim they want to increase domestic supply of energy on leases that have already been paid for, there is a place you can focus your effort. Focus on the thousands of permits nationwide, and especially in my home State—permits that have not yet been granted, permits that are being held up while waiting for the Government bureaucrats to act. The leases have been paid for, the workers are ready, and literally, today, standing by ready to work. All we are waiting for now is for the Government paperwork.

This is no way to run a country.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his request for a quorum?

Mr. BARRASSO. I will withhold the request.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I wish to speak on the legislation that is before us, on the question of dealing with energy and in particular the price of gasoline. We have had months now of nonstop talk in Washington about gas prices.

Across the country, in my home State of Pennsylvania and in the Presiding Officer's home State of Delaware and in so many other places around the country, people are frustrated. They do not feel Washington has been responsive to the concerns they have, and it is about time we did a lot less talking and do some acting and some legislating. It is for that reason I stand before you to talk about this issue in a broad sense, but in a particular sense, in terms of the legislation we have a chance to vote on this week or next week and certainly no longer than that.

I wish to commend Senator REID, the majority leader, and Senator DURBIN, the assistant majority leader, and others for bringing a number of measures to the floor aimed at addressing the high prices of gasoline. Since we started working on gas price legislation 2 months ago, prices in Pennsylvania have risen 40 cents, from $3.60 to $4.00. The average Pennsylvania family now is spending $2,792, almost $2,800 more on gasoline than they were just 7 years ago, at the beginning of the current administration.

On top of that, people in Pennsylvania, who are the second largest users of home heating oil in the whole country, are eyeing the approaching cold-weather months and wondering how they will be able to afford to heat their homes, especially older citizens and low-income people living in rural areas, where they have to travel far distances to go to the grocery store or to go to work or to live their lives. A few weeks ago, I met with some home heating oil retailers from northeastern Pennsylvania, in my home area. That

is where I live and that is where they live. Now, these are retailers, not some people in Washington but retailers in northeastern Pennsylvania, and their No. 1 request was to end excessive oil speculation.

These retailers are on the frontlines of this oil crisis, and they see families struggling to pay all their bills. One of the people I met with was Ron Kukuchka, and he told me the story of a customer last winter who stood in his store and literally counted out three piles of cash: The first one was for this woman's home heating oil, the second was for her prescription medication, and the third pile of cash she had to put on the table, literally, was for food. At the end of her counting, she had $30 to pay for the next month's rent.

Tammy May, a woman from Pleasant Gap, PA, was quoted in the paper last week—and I read her brief statement to Chairman Bernanke in talking about the issue of recession and the economy—and this is what Tammy May said. And keep in mind this isn't some Washington analyst, some politician or someone here debating this issue. This is the reality Pennsylvania families are facing. Tammy May said:

The house payment is first, then day care, then we worry about gas, then food.

That is the life of Tammy May, and that is the life of too many American families. It is unconscionable—it defies description to even say it—it is unconscionable to allow this to happen to families living in the richest country in the world. Is it any wonder people across this country are fed up, and in some cases angry, about no action in Congress?

So once again, a lot of people in this Chamber, but especially I think on this side of the aisle, are trying to pass a bill to deal with the high price American families are paying at the pump while we continue to work as a nation to implement long-term energy solutions. That is why I am proud to cosponsor the Stop Excessive Energy Speculation Act of 2008, because I think it is a proposal with the potential to impact gas prices. It is not a magic wand, it is not some quick fix for gas prices, but it has the potential to have a positive impact on this issue.

Here is some testimony to that effect. Last month, the managing director and senior oil analyst of Oppenheimer & Company said:

The surge in crude oil price, which more than doubled in the last 12 months, was mainly due to excessive speculation and not due to an unexpected shift in market fundamentals.

So says an analyst at Oppenheimer & Company. And the CEO of Marathon Oil, not some Democrat who is trying to make a point or some Washington political scientist, the CEO of Marathon Oil said:

$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.

So for those who want to make the case that speculation is irrelevant to this debate, I think there is more than ample evidence to suggest they are wrong, and there is other evidence to suggest they are deliberately misleading people. Let's be honest about it. Unfortunately, the counterproposal in this Chamber and down the street in the House is to simply drill our way to energy independence. We know that will do nothing to lower gas prices.

The Bush administration's own Energy Information Association has clearly stated that if we opened the entire Outer Continental Shelf ''any impact on average wellhead prices is expected to be insignificant.'' Insignificant. Again, that is the Bush administration's energy information office.

Aside from the larger issue of world oil prices and limited American oil reserves, there are practical reasons that drilling would not work. The world's fleet of drill ships, which are used for exploratory drilling of new oil and gas wells, are booked solid for the next 5 years—5 years. Even if we waived every environmental law, oil companies would be unable to start pumping oil for years.

President Bush has acknowledged that increased domestic drilling would not lower gas prices at the pump. It is merely, in his words, ''psychological.'' Psychological. Well, psychology is not going to solve our energy problem, and neither will gimmicks and some of the things that have been pushed in this Chamber recently.

A series of goals to reduce gasoline consumption through efficiency and alternative fuels is our only hope, and the only way to achieve those goals is to map out a strategy, and then, as the advertising tells us, do it. Do it and pass legislation. That is what the people in Pennsylvania and all of America are expecting and demanding of Congress—leadership to chart a course that gives us real solutions, along with some immediate relief.

The bill we are debating will bring some sunlight—it is not a magic wand—to the futures market so regulators will have the information they need to rein in excessive speculation and detect price manipulation.

Will this bill solve all our energy problems? No, it will not. But it has the potential to provide relief to families who are paying to line the purses of the futures market middlemen while we implement a long-term solution to end our reliance on oil, and in particular to end our reliance on foreign oil.

So I hope my colleagues will support the bill, and I hope we can work in a collaborative way across the aisle and across the Capitol, in the House of Representatives, to lay out real solutions for the problem that is facing American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining in this segment?

The PRESIDING OFFICER. The time is unlimited.

Mr. DURBIN. Mr. President, pending before the Senate is the energy issue, and, of course, America would expect that. If I went back to my home State of Illinois—if I went to any State—and stopped the average person on the street and said: Got any problems? They would say: How about gas prices, Senator? Are you paying attention? Because if you are paying attention, you will notice that as we drive down the street in the morning on the way to work or back home from getting the kids from school, you take a look at the signs at gas stations and they are startling. They are going up all the time. When you pull in to fill up, if you can afford it, you are putting more money on the counter than you have ever done in your life. People are saying: What is going on here in America? We can't afford this anymore.

I took my little Ford pickup truck to a Shell station in Springfield, IL, a couple of weeks ago, and at the end of the day, it cost $61 to fill up that little pickup truck. I thought to myself: Glad I don't have to do this very often. But some people have to do it once a week—and sometimes more often—and it is a serious problem. It is real cash money coming out of their pockets as they are struggling to keep up with the cost of living.

What is going on here? Well, over the last several years, several things have happened. One of the things that has happened, we know for sure, and there is no question about this, the big oil companies have steadily increased their profits since President Bush and Vice President CHENEY came to office, dramatically increasing them to the point where these businesses—the oil companies—are making more money than any business in the history of the United States—not just in the oil business but any business. They have broken the records in reporting these profits.

Of course, they want to explain it to us, and so they buy full-page ads, if you take the time to read them in the newspaper, explaining we are not making that much money. They compare themselves to other industries and companies, and yet the bottom line is there is pretty dramatic increases in their profit-taking. In fact, they are breaking all records. This ad, of course, was paid for by, as they say, the people of America's oil and natural gas industry—something called energytomorrow .org.

Most of these ads are being sponsored and paid for by the people who are making the money. The American Petroleum Institute is one of the major sponsors of this advertising, saying: We are not making that much money. But Americans think differently, because in addition to this chart showing the oil company profits, this one tells us what has happened to the price of gasoline since President Bush took office. It is not current because it still shows

the price of gasoline below $4 a gallon. I know in my hometown of Springfield and in Chicago, the price is way over $4. It may be closer to $4.50. I wish it were not going up, but I am afraid it might.

So we have seen oil company profits rise and the price of gasoline go up as well. There are various ways to look at this. You can say to yourself: Something is wrong and I need a solution and—most people say—I need it right away because I have to fill up again next week. So what are you going to do right now to deal with it? Well, honest people, in responding to that, will tell you there is little we can do today to change the price of gasoline tomorrow. But there are things we can do in the short-term that will have an impact.

The Republican side of the aisle has one approach, the Democratic side of the aisle a slightly different approach. The Republican side of the aisle is arguing we should drill now—we need to drill for more oil, right now. The obvious argument being that if the supply should increase, prices should go down. That, of course, is their argument. They overlook what the Senator from Pennsylvania mentioned a few minutes earlier—if we decided today, if we picked out one piece of territory in the United States or off our shore and said: We think there is oil here, and so we are going to drill for it, we are going to bring it up out of the ground, take it to the refinery and turn it into gasoline and we will feel the impact on price, it would take us, the estimates are, anywhere from 8 to 14 years for that to happen.

It is a pretty massive investment to go into drilling, with all the sorts of seismological and geological testing that has to be done, and they have to secure the equipment in a market that is now kind of pushed to the limit.

It takes a long time. So to argue ''drill now'' is to say ''drill in 8 to 10 to 12 years and then hope that it makes a difference in the marketplace.''

Many people are arguing that point of view. They are arguing that we should be drilling for more oil. In fact, the same ''people of America's oil and natural gas industry'' are buying full-page ads in many newspapers around the country saying: Smart energy policies and good energy politics involve drilling more now.

So the industry that wants to benefit from the drilling, the industry that is to profit at a record level from the drilling is buying the advertising, and our Senators on the other side of the aisle have accepted this battle slogan. This is what they tell us we need to do is to drill now. But, of course, there are some realities they often overlook in making this drilling now argument. Here is one that you cannot ignore.

It is the reality that we have to be very sensitive to—it is this. This is the percentage of world oil reserves. And if you look, the country with the largest percentage is Saudi Arabia, 20 percent of known oil reserves. Then you look at the United States, 2 percent; some say 3 percent. That is an estimate of all of the possible oil we could drill, if we could drill everywhere, all the time, and do it as quickly as possible—2 to 3 percent.

Now, that is an eye opener to think that so little of the world's oil reserves are actually within the control of the United States of America. So to say drill now is to give access to 2 percent of the oil. Well, is it enough? Take a look at the oil consumption. The U.S. consumes about 24 percent, almost one-fourth of all of the oil that is produced and refined, and the rest of the world: 76 percent; 2 percent of the supply, 24 percent of the consumption. To argue that we cannot drill our way out of it is fairly clear. We do not have enough oil in the command and reach of the United States to solve our economy's needs. We are going to have to look beyond drilling for oil into other options as well.

I think that is one of the realities the other side of the aisle has not acknowledged. But there is oil available and land available to be drilled. There are 68 million acres of Federal land, controlled by our Government, by us as taxpayers, that has been leased to the oil and gas companies.

We have said to them: Would you be interested in drilling on this land for oil and gas? They have put money on the table, signed leases to have that right to 68 million acres of land. We believe that acreage could produce 4.8 billion barrels of oil. That would nearly double the total U.S. oil production. That 4.8 billion barrels of oil equals more than six times the estimated peak production of the Arctic National Wildlife Refuge, which is another thing that is brought up often.

So, currently, of the 68 million acres under lease from the Federal Government for oil and gas, the obvious question is, why are not the oil and gas companies drilling there? They believe there is oil and gas, they paid the lease to do it, but they are not using it. They have set this aside and they are not using it. They are not drilling on this land. And we have not stopped offering land to the oil and gas companies.

Just recently, since January of 2007, we made 115 million acres of Federal land available for the oil companies to bid on oil and gas companies, to drill for more oil and gas, 115 million acres offered. What is that the equivalent of?

Well, this little line represents the line of I–80 across the continental United States from New Jersey to California. And the 115 million acres is the equivalent of taking a 62-mile-wide swath along I–80 from coast to coast 62 miles wide. That is how much land we have made available to the oil and gas companies to bid on for exploration.

How much have they actually bid on? Only 12 million acres—12 million acres. When the other side argues there is not an opportunity for more oil and gas, to say, well, why did they not bid on the acres that were offered? Why are they not drilling on the acreage they currently lease, something this next map will kind of show you from a viewpoint of the Western United States what I am talking about.

All of the colored portions of this map of the Western United States represent Federal lands that are being leased for oil and gas exploration. If you will look carefully, the black sections are those that have been leased and are in production. The red, which dominates and overwhelms this map, is federally leased lands that oil and gas companies are not actively using. They have set the lands aside. So to argue that they do not have opportunity for oil and gas drilling ignores the obvious; they do.

Then they say: Well, what about the Outer Continental Shelf? This gets sensitive because there are communities along the Gulf of Mexico and the Western United States that have environmental concerns about offshore drilling.

The fact is, a lot of offshore land under the control of the Federal Government has been available for oil and gas exploration for a long time. There are 68 million acres leased to oil companies. Of that, 33.5 million are offshore. Again, the red sections are leased lands, Federal lands, leased to oil and gas companies that they are not touching, that they are leaving to sit idle as they come to Congress and argue: We need more millions of acres to explore.

These are lands they are paying to lease, and they are not exploring. This is the situation where we have a real challenge, a challenge that reflects the reality of what we are up against.

The reality is this. There are opportunities to responsibly drill for oil and gas. We think those opportunities are there now, and we can add to them in a sensible way. So exploration and production is part of the answer to the gasoline and oil prices that we face today. But it is not enough. It is not enough.

We know in this long time lag between deciding to drill and actually bringing up oil, we have to think about what we can do now to make a difference. Well, here is one idea: We have what we call the Strategic Petroleum Reserve. It is 700 million barrels of oil that we have set aside for the safety and security of the United States. We have said, if the time ever comes when something awful occurs, we cannot bring the oil from overseas that we currently need, we have this little stockpile—not so little stockpile—of strategic petroleum that is available.

We are making the suggestion that we take 10 percent of it, some 70 million barrels of sweet crude oil, and release it over a period of months on the market. The belief is, if the Federal Government sells that, first it will bring in money. That is oil that we paid less for. Now it is commanding higher prices. And, secondly, more supply on the market in the short term

should bring down the price of a barrel of crude oil and the price of the products made with that crude oil, whether it is gasoline or jet fuel.

So immediately it will start bringing down prices. The Democratic side is calling for continued exploration in the millions of acres that are already available to oil and gas companies; and, secondly, selling out of the Strategic Petroleum Reserve 70 million barrels or so of oil to bring down the market price and to make gasoline and other products more affordable.

That could have an immediate impact. Is it the answer to our concerns? No. It is a temporary move, but we need it. At a time when airlines are cutting back 20 percent of their schedule and laying off 20 percent of their employees and more to follow, at a time when businesses are struggling against the possible recession, and the turnaround in our economy, we need to provide that help.

But we need to do more. We have to look beyond exploration and even the Strategic Petroleum Reserve to the real honest challenge we face; that is, coming up with an energy policy so we do not find ourselves in the predicament we are in today with the Republicans arguing, keep on drilling and do not worry about tomorrow, and others coming up with solutions that might have a temporary benefit but not a long-term benefit.

What is the long-term answer? Well, the long-term answer can be found from a number of people, one of whom is a fellow whose name you can hardly ever forget: T. Boone Pickens. Mr. T. Boone Pickens, who has made several billion dollars in the oil industry, is now spending some of his money on television advertising. You can hardly miss him if you are in Washington and other parts of the country.

Here is what Mr. Pickens recently said: I have been an oilman all of my life, but this is one emergency we cannot drill our way out of. But if we create a new renewable energy network, we can break our addiction to foreign oil.

What he is saying is what we all instinctively know: there are ways for us to reduce our consumption of energy and still have a strong economy and a good life in America. The changes are not going to be dramatic; they have to be thoughtful.

First, we need cars and trucks that are more fuel efficient. My wife and I bought a Ford Escape hybrid a few years ago. It is no Prius. It gets about 27 miles a gallon. That is pretty good by most standards. If you drive a Prius, you might get 45 miles a gallon, to give you a comparison. So we can do better when it comes to cars and trucks that we build, make them more fuel efficient.

I read in this morning's New York Times that Ford Motor Company has decided to get away from the SUVs and heavy trucks and start building more fuel-efficient cars and trucks. That is long overdue. If they had been moving on this before, they would not be in the situation they are in today. So making more of those vehicles available is a smart move.

Mr. Pickens believes we should have more of these vehicles fueled by natural gas. It would have less of a negative impact on the environment, it is more plentiful in the United States, and it could, in fact, fuel our economy.

There are those who argue we should move to another technology, plug-in hybrids. You come home at night, you plug in your car, your truck, it is good for 40 miles in the morning, which is all we need each day, before the gas engine kicks in, and it does not pollute. In the process, you get electricity from sources that are also clean.

Yesterday in my office was a man who is involved in wind energy. My State, which I never dreamed would be a major player when it comes to wind energy, has wind farms popping up all over, literally hundreds of those wind turbines generating electricity without polluting.

The opportunity across America is almost limitless to replicate that technology once we have made an investment in the infrastructure of transmission and distribution lines. But that is part of the overall picture.

America's energy policy involves renewable and sustainable sources of energy. We cannot talk about the energy issue without raising two other important issues. One is our Nation's security. As long as we are dependent on Saudi Arabia and the Middle East for our oil, we are going to be drawn into foreign policy choices that we do not want to face. We will be drawn into wars and challenges domestically and diplomatically that we never would have faced if we were not so dependent.

So reducing our dependence on foreign oil is a small thing from our country from a security point of view and also from the environmental side. I am one who believes in global warming. I believe it is a serious problem that is getting worse. If we do not do something about it, we are going to leave a much different world to our children and grandchildren. So as we think about our energy challenge, we need to put together with that challenge an answer which meets the environmental challenges to reduce our pollution. I think we can do that. I think we can put these things together. And in combining them into an integrated energy policy, we can find ways to reduce our energy consumption without compromising our quality of life or the growth of our country.

I have listened carefully to the other side as the Republicans have come to the floor. And there are two things which you will never hear as they get up and speak: First, they are not critical of speculators. They are not critical of those who are speculating in the energy futures market.

Many people believe, and I am one of them, that there is excessive speculation, perhaps even manipulation, in some of these markets. Our bill says, and I think we should, put more regulators in charge of the energy futures industry to make sure everyone is playing by the rules, to make sure some of the major traders are not pushing up the prices strictly for profit taking.

I cannot see what the problem is with that kind of regulation. We support that. We want more and more markets to be disclosing. I want to know who is trading in these massive amounts on energy futures and driving up the price of a barrel of oil.

Regulating that is a sensible thing to do. I want to make sure the markets are available for commercial applications so that if an airline such as Southwest, which has received quite a bit of attention—if Southwest does try to protect its future cost of jet fuel by hedging or buying futures in the oil market, that is a good thing. And the markets should be there for them. But if some wealthy investment bank decides they want to move around a couple of billion dollars and play the market on oil prices, and people across America are paying higher gasoline prices as a result, I am not sure I am going to stand by and applaud that.

I want to make sure there is a sensible market, well regulated, with reasonable limits in trading. So we believe speculation is an important part of this issue. Time and again, Republicans have come to the floor over the last several days saying: Oil speculation is not the problem. I disagree.

The second thing is, we have to address the oil companies. The profit taking that is going on there is hardly ever criticized on the other side of the aisle. It should be. The oil companies are doing quite well, at the expense of average families, businesses, and farms. So putting together a comprehensive energy package involves responsible exploration and production. It involves releasing oil from the Strategic Petroleum Reserve to bring prices down on a temporary basis.

Also, we need investments in technology and research so the cars and trucks we drive are more fuel efficient. We need ways to make sure buildings and others things we invest in are greener and more energy efficient. We need to be thinking about new technology and research that moves the Nation forward so the economy grows but not at the expense of the average person trying to pay gasoline bills and not at the expense of an environment children will need to live in to have the good life we have had in this world.

I hope we can have a comprehensive approach. We have offered Republicans one basic procedural opportunity, but I think it couldn't be fairer. We have a speculation bill. We have offered them: Bring a speculation bill before us. You can have your debate. We will face the same vote. Let's see who wins. We have an energy bill. Bring your energy bill before us. Let's have a debate. Let's

have the same vote one way or the other. Let's see who wins. How much fairer could it be? They get to devise their own amendments, put what they want in, and bring it for a vote. That is fair. I hope they will accept it, and I hope this important debate will start soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate many of Senator DURBIN's remarks. I don't see why in the world we can't reach some sort of bipartisan consensus on how to go forward with the national crisis that is hitting us today.

He and others have hinted that they are willing to produce more energy in America rather than spend $700 billion a year of our wealth exporting it to countries such as Venezuela or Saudi Arabia to purchase the 60 percent of oil we use. But they don't propose that. The only legislation they have proposed is the speculation bill. I suspect there are a lot of things we can do to deal with speculators who are acting improperly. I support that and don't have any problem with them, although I think we want to be careful and not only repeal the futures market, apparently, as some would suggest we should do. I think we should move on it, and we have a lot to do in that area.

But I have been asking myself, why is it that we are not seeing any substantive effort on the majority side to deal with the clear crisis we have? And the crisis is that the entire world is using more oil and gas; Saudi Arabia, Venezuela, and other countries are reducing their production, even Russia, I understand, and Mexico. As a result, we have shortages. That is how speculators manipulate. They are able to manipulate when there is a shortage. We need to fundamentally—do something about the shortage. When we have a choice—and we clearly do—we should produce our energy from America, keeping all that wealth here and not sending it abroad to countries, many of which are not our friends. That is so basic, it goes beyond logic.

I had a little idea, maybe, as to what is going on here. It came to me when former Vice President, former Democratic President Al Gore, in his speech this week, renounced all fossil fuels and declared that this Nation ought to have as its policy to eliminate fossil fuels totally from making electricity in 10 years. That is one of the most breathtaking statements I have ever heard. Fifty percent of our electricity today is coal; 20 percent is natural gas. What he is saying is, we don't produce any more, and we are going to make all of our electricity in 10 years from renewables—wind, solar, and biofuels. We have already hit 5 percent of our fuel for gasoline from corn ethanol. Most people—I think everybody agrees—agree we are at about the max we can possibly get from corn. So I think there is some real potential with cellulose wood products. Senator ISAKSON and I have talked about that. Our States have a good bit of waste wood in the forest that could be a nice improvement, and perhaps produce a good bit more, even than corn ethanol.

But I want to go back to the situation. Are our colleagues on the other side who claim to be interested in helping America get through this terrible economic time not going to discuss with us how to produce more energy at home? I can't believe that. The only thing that is consistent with that policy, which we have seen for some time now, is the consistency of former Vice President Gore's statement this week that he wants to take all of our electricity and produce it from nonfossil fuel sources, which is unthinkable. Unless there is some monumental breakthrough, it is not possible. It is not going to happen. It cannot be the basis of a sound energy policy by any responsible official in America, it seems to me. Maybe I am wrong, but I don't think so.

After the price of gasoline spiked, we ended up with our majority colleagues offering a cap-and-trade bill that they wanted to pass that, in effect, would be a major tax on energy, which the EPA said would raise the price of gasoline by $1.50 a gallon and could double the price of electricity. This is what we are seeing here. I don't think that is reasonable.

Our goal should be to change the extent to which we have to use fossil fuels. I am for limiting them. I am for better efficiency. I am for geothermal. I am for solar, if we can make it work. I am for wind, if we can make it work. The whole Southeast is generally recognized as not a place where any wind energy can be efficiently produced.

What we have to do is be realistic about the multiplicity of steps it takes to be independent and to reduce our CO_2 emissions, our global warming gases, and to make our environment cleaner.

I will take a moment and ask the desk how much time I have used. I would like to be notified when I have used 10 minutes.

The PRESIDING OFFICER. The Senator has used 6½ minutes, and the Chair will be pleased to notify the Senator when 3½ minutes is up.

Mr. SESSIONS. I thank the Chair.

I ask unanimous consent that the time allocated to the Republican side be limited to 10 minutes per speaker.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Senator DURBIN did say we need to have an opportunity to offer amendments and vote on amendments and let's talk about how to develop a national energy policy. I take that as a good statement. The only thing I am worried about is that will be one of these deals in which we on both sides say: Your amendment has to have 60 votes to pass and our amendments have to have 60 votes to pass. We do that a lot of times because we know neither side will get 60 votes. What we need is some bipartisan participation, and we need to do some things.

Eighty-five percent of our offshore oil and gas is under a moratorium. We have blocked the Air Force's ability to use synthetic fuels produced from coal. We—I say ''we,'' I mean the Democratic majority, in truth—slipped that through in the last Energy bill that passed.

Our colleague, Senator OBAMA, a Member of this Senate, the nominee of the Democratic Party for President, praised Vice President Gore's speech and has not made, to my knowledge, one specific criticism of it. In the former Vice President's speech, he did not in any way suggest nuclear power as one of the solutions to the difficulty we are in, which is pretty much unthinkable, if one gets my drift. It has to be done.

Nuclear power is making a comeback around the world. According to the World Nuclear Association, 129 plants are currently on order or under construction in 41 countries and 218 more have been proposed. We have 104 in America. It makes 20 percent of our electricity. Fifty percent is coal, 20 percent is natural gas, 20 percent is nuclear, 10 percent is all the rest, with less than 1 percent coming from wind at the present time. These European countries, advanced countries, have come to clearly recognize that nuclear power is the best way to produce clean base load power without it emitting pollutants. England, the United Kingdom, has recently commissioned eight new reactors, reversing its recent policy to abandon nuclear power. Germany's Chancellor Angela Merkel has also recognized the importance of nuclear power in meeting their challenges, calling for a halt to the odd plan they had to close down their existing reactors. The American people also support the expansion of nuclear power. Of course, France has 80 percent of its power coming from nuclear, and Japan is soon to pass the 50-percent mark. According to an MSNBC poll, 67 percent of the American people support building more nuclear powerplants.

I see the Chair is calling my time, and other Members are here to speak. I do believe that in any component to move to clean, nongreenhouse-gas-emitting energy, nuclear power has to be a part of it. I have not seen that in my colleagues' plan, zero from the Democratic side on this issue. It is something we must do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, in just short of 2 weeks, the Senate will leave for what is the traditional August recess. There is one thing about which every Member of this Senate today agrees upon, not a single dissenting statement from anybody—the largest problem and biggest issue facing the American people today is the rising cost of energy and specifically the high

cost of gasoline. It would be sad and disappointing if this Senate adjourned for a recess in August without having addressed the energy problem in a meaningful, bipartisan, multifaceted way.

In the speech I made on the floor 3 weeks ago, I made the statement that it was time for Republicans and Democrats to put the elephants and the donkeys in the barn. It is time for us to find a way to find common ground, set aside those divided issues, and put on the table those issues which both of us know will help to solve the rapidly increasing price of energy and the long-term problems it portends.

Last Thursday, Senators BINGAMAN and DOMENICI brought to the Senate two renowned experts on economics and energy. They testified for over 4 hours in Dirksen room 50. About halfway through that testimony, Senator CONRAD of North Dakota posed the following question to both of them. He asked: Gentlemen, if you could, please tell me, where is it America has gone wrong? After pausing for a minute, the economist leaned back and said: For 25 years, the United States has encouraged consumption and discouraged production. We should be encouraging production and discouraging consumption.

The lightbulb went off in my mind. He is exactly right. The policies of this Congress, of our leadership, Republican and Democratic, have looked the other way. We looked the other way when we dodged the bullet of the Arab oil embargo in the 1970s. We forgot about the lines, the shortages, the caps. Somehow, we looked out to another day to solve the problem.

That other day has come. I suggest to you there are multiple things we all agree upon, if we will put our partisanship aside and do it. I encourage the majority leader to allow, when we get to cloture, all amendments to be offered and debate to be open and free-flowing and for us to be willing to put all issues on the table.

Let me begin. S. 3268, the bill before us, deals with speculation. I have read through the bill. I want to commend two parts of it.

No. 1, I commend transparency. Most of us in this body are not familiar with speculation or the speculative markets or commodities. We all need a better education and more facts to get it, and the exchanges ought to have absolute transparency so we know what is going on all the time everywhere.

Secondly, I commend the portion on position limits. I learned the other day—and I believe this is an absolutely accurate statement—that all the users of commodities—airlines that buy futures in petroleum, cereal makers who buy futures in grain—all have position limits, meaning there are limits to which they can speculate.

But did you know who does not have a position limit? The investment bankers on Wall Street. The same people who brought us the subprime crisis by securitizing high-risk loans at high yield are the same people who, in some way or another, have no limit on the positions they can take or offer in the commodities market. I think the position limits ought to be equalized across the board, whether you are a user or a speculator or a Wall Street banker.

So those are both good positions. But that is the only thing the bill addresses—speculation—when there are so many other things we need to do. No. 1, on the production side, we do need to start exploring our own resources. It is true, it will take 10 years to get some of those resources to produce. But the very fact we finally make up our mind to do it will make it 1 day shorter each day we have made up our mind. If we put it off today, it is 10 years from tomorrow before we get the production. We ought to go ahead and get it.

Where we have significant differences—such as ANWR; we can debate that separately—but there are other issues where there should be no debate, either in the OCS or extracting the shale oil in Colorado, North Dakota, and Montana. Conservation, encouraging a savings—we ought to be working to do everything we can to encourage Americans to conserve.

Quite frankly, Americans have already gotten that message. For all the rapid transit, mass transit in my city of Atlanta, the buses are full, with standing room only. So is the subway. Ridership is way up. The traffic is much better because people are starting to find economical ways to travel. We ought to incentivize more and more of that.

We ought to incentivize conservation wherever we can. We also ought to look at those things such as nuclear energy. I know the Presiding Officer today has shared with me the common ground he and I have on a safe, reliable way to produce energy in nuclear. It does not pollute. It does not contribute carbon. It is proven to be reliable around the world.

Mr. President, 19 percent of our energy today comes from nuclear. In 20 years we could take it to 50 percent, and we could reduce our carbon footprint, while geopolitically we could have a tremendously positive effect on our country. Renewable sources of energy should be incentivized across the board, as biofuels should be the same way. We should not have selective encouragement in tax policy. We should have open encouragement on all research and development, whether it is synthetic, renewables, or biofuels.

In essence, I have simply come to the floor to say this: We all know precisely what the problem is. We all know there is not one answer. It is not just speculation. It is not just exploration. It is not just conservation. It is not just wind. It is not just solar. It is not just hybrid vehicles. It is not just plug-in cars. It is all of those things.

But the solution lies in the heart of a Senate that is willing to put its partisanship aside, address the No. 1 issue facing the people of the United States of America, and find a willingness and a heart to find common ground. Our country faces some significant challenges economically today, and whatever our differences may be politically, we should be united in finding common ground to solve those problems, and the biggest is the price of energy to the American family. It is impacting every single thing they do.

So I come to the floor today to welcome the ability to debate this legislation, to want to talk about dealing with speculation—but not speculation alone. We should not make ourselves feel good by passing one bill that deals with one issue and only one component part and go home and say we did something. We should take pride in taking all the facets we can agree on—whatever they might be—incorporating them in a bill, and leave here in August knowing we did something for the people who have sent us up here to represent them, the people of the United States of America.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SANDERS). The Senator yields the floor.

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, nothing—nothing—is more urgent, more important today, and nothing is of greater significance to the American people than dealing with our energy crisis. Gas is $4 a gallon. Every time you fill up, it is like getting a smack in the face. My constituents say they don't know what is going to get filled up first: their tank or their credit limit.

We have to cut to the chase. Americans are furious with Congress. They are not just angry about our inability to get something done, they are fearful that political leaders on both sides of the political aisle are more concerned about winning elections and partisan arguments than they are about protecting our Nation.

I am glad the leader has brought an energy speculation bill to the floor, and that is a piece of this issue. I will talk about that a little later. But we need a full-throttled debate. We have to put everything on the table. The American people expect us to do all we can, not take a piece and get involved in a political debate, and perhaps walk away with nothing being done and say we put it on the table. This is not about what you put on the table. This is about whether you are serious about dealing with this issue of understanding that, yes, we have to deal with more conservation; that, yes, we have to deal with new technologies to cut energy use; that, yes, we have to deal with speculation; that, yes, we have to deal with finding more energy and consuming less—all of it.

To simply address and pass a speculation bill alone to address the energy crisis would be like using a garden hose to put out a forest fire. The issue is that great, the challenge is that great, and the American people expect us to

deal with this in an honest way. If you disagree with whether we should do more exploration in the Outer Continental Shelf, then vote on it. But this is not something in which we can simply put something on the table and tell the American public we have dealt with it. They are smarter than that. They deserve better than that.

America is blessed with remarkable energy resources, but we have tied our hands behind our backs—keeping vast oil and gas deposits off limits in the Outer Continental Shelf, not to mention potential oil shale. Just consider: We currently have 85 percent of offshore acreage off limits—in the lower 48 States—to development and 100 percent of at least 800 billion barrels of recoverable oil from oil shale off limits. If we developed the entire OCS, we could see an additional perhaps 86 billion barrels of oil and 420 trillion cubic feet of natural gas.

The argument is made: Well, there are areas that are not being used today. Listen, I am a believer of if you don't use it, lose it. But where is the logic in saying we have production in areas that are producing oil today that may be closer to shore but still offshore, and somehow we have drawn this arbitrary line that says we can't go right next to it? Oil is not found in quadrants or areas. There are veins that run across. Americans expect us to do everything we can to take the pressure off so they can live their lives and enjoy their lives.

If we can push forward energy-saving technologies at our fingertips, we could see an immediate impact on prices. For one, Congress should accelerate the production of plug-in hybrid electric cars and trucks, which would dramatically reduce the cost of fueling vehicles for consumers and lower the demand for fuel.

We should expand tax incentives to produce and purchase vehicles running on alternative energy and fuel cell technology. There are lots of options out there. We have to get serious about it.

Americans know we have tremendous energy resources, and when many cannot afford to drive to work, it infuriates folks if Congress refuses to use those resources. Many share the frustrations of a Minneapolis man who wrote:

> We need energy independence. Why should we be paying for our energy from the very countries that want to kill us? DRILL domestically now! We have vast resources of our own that should be tapped.

From southern Minnesota, a man expressing his anger at Congress's inaction asks:

> How much economic pain must Americans suffer before Congress changes course? Gasoline prices are at $4.00 a gallon and rising. . . . It is time to do something different. Most Americans want energy independence.

Or at least not to be held hostage. That is what this is about.

> They want to create new jobs here in America. We should do that with new technology by boosting domestic energy supplies so we can lower the price of gas and reduce our dependence on foreign oil.

Americans get it. They understand that with $4 a gallon gasoline, we need a comprehensive energy plan, and we need it yesterday. The great news is we not only have the capability to produce more and use less, the natural and technical resources to solve this energy crisis, but I also believe there is enough room for compromise. There are Democrats and Republicans working together, Democrats who understand we need to find more energy and bring it to the surface, use it.

We have to figure out a way to get past this divide, this idea that if we put it on the table and we have generated a debate, somehow we have done something, because we have not. There is not a full-throttled, honest effort to deal with this problem unless we put it on the table, have the debate, and we come to some conclusion. The answer is not complicated: Find more, consume less. You have to do both. There are folks working on plans right now.

We can authorize deepwater drilling in America's Outer Continental Shelf. By the way, plow the Government revenues from the OCS into a fund to fully fund renewable energy, fully fund energy efficiency programs, fully fund some of the programs that I know the Presiding Officer is concerned about—low-income heating assistance. Folks are going to be impacted this winter when the price of natural gas goes through the roof and the price of home heating oil goes through the roof. If we have the opportunity to bring in resources to fund those things, it is a win-win for everybody.

We need to allow exploration of ways to tap into America's vast oil shale deposits. We need to expand electricity generation from new nuclear plants. It is not enough to say: Let's wait until we figure out what to do with the waste. I always tell folks, the French are not braver than we are. Whether it is 75 percent or 85 percent of their energy that comes from nuclear energy, they reprocess the waste. If you say we are going to wait to solve the problem, it means you are not for expanding the use of nuclear energy, and that is a mistake.

We need to do it all. We need to fund technological breakthroughs in battery technology to bring plug-in cars and trucks to the market. We need to prevent energy futures speculation from artificially inflating prices.

One thing stands in the way of doing what the American people sent us to accomplish, and that is political gamesmanship.

A woman in rural Minnesota with a 9-year-old son and struggling with a 67-mile commute summed up a lot of the frustration out there when she wrote to me:

> I am sick of the lame excuses I hear from all of you. I would really appreciate it if you could stop politicking and do something before the people of this Country get more desperate. This is your job, this is what you were elected by the people to do.

She is right. This is what we were elected to do.

The majority leader has called up a bill focused on speculation in the energy commodity markets, which is certainly one of the areas we should act on. As former chairman and current ranking member of the Permanent Subcommittee on Investigations, I have worked with my friend and colleague Senator CARL LEVIN on this issue of market manipulation and excessive speculation in the commodity markets for years. I am proud of the work we did to close the Enron loophole as part of the farm bill. I, along with many others in the Senate, have been looking into the effect of increased speculation in the commodity markets on the price of oil.

I hope the majority leader will allow speculation amendments so we can consider other approaches to dealing with speculation, such as a proposal recently introduced by Senator LEVIN and Senator FEINSTEIN that I have cosponsored. But what we need is an amendment process that allows production and efficiency amendments to also be considered.

We keep hearing about this concept: If we do what we did with landing a man on the Moon, by the end of the decade we can get this done. If you reflect, at that time the Russians put Sputnik in space first. It was a blow to the American ego. When President Kennedy set forth his vision: We will land a man on the Moon by the end of the decade, we did not have computer technology to get to the Moon, never mind to get back. But Americans came together with a vision and a plan and a resolve.

I suggest that you did not land a man on the Moon with a single-stage rocket that went halfway there. You have to get to the moon, and you have to get back. You did not land a man on the Moon—or you are not going to end the challenge we have now to do something about the price of oil if you say no to new exploration, if you say no to new expanded nuclear production, if you say no to oil shale exploration. You cannot be saying no to new opportunities and then, in the same breath, say: We need a man-on-the-Moon commitment. We need a commitment that is real, that is across the board. Put it all on the table, and then make some decisions.

We hear the argument that says: Well, if we move forward with new production, some of it is not going to take effect for 10 years. When I was mayor of St. Paul, I took over a city in which we abandoned the areas along the shores of the Mississippi, what I called the retreat of the industrial wasteland. We had industries there, and they stepped back, and it was barren. So when I talked to folks about planting trees, they would always say—I remember this because it rings true today—the best time to plant trees was

20 years ago, 10 years ago. The second best time is now. The best time to have done the exploration was 10 years ago. The second best time is now.

My friends who will come to St. Paul this year for the Republican National Convention will see tens of thousands of trees that are in full bloom because we planted them when I was mayor more than 10 years ago.

Energy is the same way. It sure would have been better to open up deepwater drilling 10 years ago, but that does not mean we should not start now, or else we condemn Senators in 2018 to rehearsing and rehashing this same debate.

I wish to share one last letter from a constituent who wants us to get beyond the partisanship and get to work. Dan writes:

> I am a middle class Minnesotan and have become very concerned over the last several years about our elected leadership in the Congress. Are they working for the people of this country or the political parties they belong to? Now is the time to address energy issues, not after the fall election. It is time to open up areas in America to exploration.

Finally, he goes on to ask:

> Do you think the founding fathers of this country would be proud of the political process today?

I think this is exactly what we should be asking ourselves. If ever there were a moment for us to come together as a nation to protect and preserve our freedom and our liberty, as our Founders did more than 200 years ago, that moment is right now.

We recently celebrated our Nation's day of independence. As I traveled to Minnesota, I found no signs of retreat or fear about America's ability to meet this energy crisis head on. They were certain we can reach energy independence, that we can stop being held hostage by thugs, tyrants, Saudi sheiks, Ahmadi Nejad, Chavez, and others. Yet they were uncertain Congress would be able to summon the courage and conviction necessary to set this Nation on a new path.

We must act on a comprehensive energy bill before the August recess, and there is no better time to do it than now. Let us do the job we were sent here to do.

In 1994, Members of Congress worked into the August recess to pass a crime prevention bill. If we cannot pass a comprehensive energy bill with solutions big enough to match the size of this crisis before the August recess, then I don't think we should leave for the recess until we do.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, here is the situation we find ourselves in with respect to oil. Global supplies are tight, global demand keeps rising, and our country has a dangerous dependence we haven't yet begun to break. Meanwhile, the Bush administration has run up massive budget deficits, instigated by war in Iraq that is costing us $5,000 per second, tax cuts for the wealthiest Americans that could cost more than $4 trillion before the next decade is out, and that has caused the value of the dollar to drop and investors to buy more commodities, such as oil.

The oil futures market used to be primarily a place for companies to pay in advance for oil supplies they knew they would need. But now the futures market is overcome with runaway speculation, with people buying futures because they are betting the price will go up. Some experts say speculation is adding as much as 50 percent to the cost of every barrel. With oil prices this high, oil companies are raking in record profits—sums of money that are bigger than the GDP of some countries.

But instead of reinvesting that money in their business and in renewable energy possibilities, and expanding production to meet our country's growing needs, oil companies are investing in their own share price by buying back their own stock. That may be good news for Wall Street, but it is bad news for anyone struggling to pay to fill up their gas tanks.

That is how we have gotten to $140 a barrel oil—tight supply, high dependency and demand, a Bush budget deficit that is weakening the dollar—oil is traded in dollars—speculation in the market, and the oil companies' greater concern for boosting their share price than for boosting production.

Some of my colleagues on the other side of the aisle have suggested all it would take to bring down oil prices would be to allow oil companies to drill off the east and west coasts of the United States. Here is the problem with that: The companies already have, as we have said before on the floor, 68 million acres of Federal land under lease that they are largely not exploiting. The Federal Government will be opening 2.3 million additional acres to them in October, and they have over 200 million more acres they don't lease, but they could if they wanted to. The oil companies clearly think there is oil on all those millions of acres or else they would not be leasing the land. But they are not using it.

To get an idea of the scale that is involved, here is a map showing how much territory the oil companies control in the Gulf of Mexico. The red area represents all of those unused acres. It is a huge portion of the gulf region that is going completely undeveloped, and that has been available to them already. Yet all of those red areas go undeveloped.

Here is an even more impressive map—the map of how much of the western United States oil companies control. The black portions show where oil companies are exploring and, again, the red section shows where they are not exploring. As you can see, it is overwhelmingly staggering, all of those red sections of places where they already have the ability to pursue, which they are simply not pursuing.

The oil companies control an enormous amount of land. When you add it all up, it is an area more than 12 times the size of my home State of New Jersey. So why would signing over yet more land to them have any effect at all?

It is not that companies don't have enough land to drill on. That is not the bottleneck. The bottleneck is that, for 20 years, oil companies have been underinvesting in oil exploration and in the infrastructure, the equipment, and even the engineers needed to do additional drilling.

Here is what the CEO of the American Petroleum Institute—the trade organization representing all of these companies—said last month:

> Every single available drilling rig, drill ship is in use—being used right now. You can't go and drill when you don't have equipment. We are not magicians as an industry.

So all of this clamor for more land doesn't do anything about that reality. For all of this land, this water, the rights, all of these land rights—all of that doesn't even deal with that. If we give them even 1 more acre, what would it mean?

That is part of why it would take so long—as long as a decade—to get to the first drop of oil from the Outer Continental Shelf. Even if we wanted to, if we thought it were good policy—which I do not—the capacity isn't there.

There is a reason they don't have the equipment to drill more: They are not reinvesting in their own businesses. They are only investing in their own stock. Last year, ExxonMobil spent about $21 billion in capital expenditures, such as buying new equipment, compared to more than $35 billion it gave to its stockholders.

What we see here in this chart is, in fact, billions of dollars of big oil stock buybacks. You can see that from 2002 to 2007, it has increased over five times what it was 6 years ago. So the reality is we have a lot of money from big oil going back into big oil stocks, raising the value of these stocks, but doing nothing about what the CEO of the American Petroleum Institute talked about.

In the first quarter of this year, with oil prices sky high, ExxonMobil decided to spend almost $9 billion on stock buybacks alone—$9 billion in the first quarter. They spent almost a full 40-percent less on actually exploring for oil. The situation is more extreme at ConocoPhillips, which told its investors that its stock buybacks this quarter will come to about $2.5 billion or nine times its budget for exploration.

On the whole, the five biggest international oil companies used more than half of the cash they made from their businesses in stock buybacks and dividends last year, up from only 1 percent in the early 1990s.

An expert at Rice University who studies how oil companies spend their money summed it up very well. She said:

> If you're not spending your money finding and developing new oil, then there's no new oil.

There is a very simple economic reality here: While families are struggling to make ends meet, the oil companies are flush with cash. We have seen big oil profits steadily increasing under this administration, from approximately $22 billion or so in 2002 to nearly $120 billion in 2007. That is about $100 billion more.

There is a simple economic reality here. Families are struggling to make ends meet, but the oil companies are flush with cash. Instead of investing in the new equipment they say they need to pursue the lands they want, they are giving themselves a big payback and plowing their cash back into their own stocks.

At some point, oil companies need to recognize they have been trusted to manage natural resources from public lands, and there are times when they have a responsibility greater than boosting their bottom line. With gas and food prices through the roof, and the economy sputtering, we arrived at that point long ago. So when people say, ''We need to drill more,'' I say, tell it to the oil companies. Tell them to use their profits to invest in more equipment and drill in the 68 million acres they already have leased.

Basically, when oil companies say that giving them more acreage would increase the amount of oil they produce, it is like saying, if your car is about to run out of gas, you need to pull over and install a bigger tank. The problem in that situation isn't the size of the tank, and the problem we face right now isn't that oil companies don't have enough land to drill on. The problem is they are not drilling on what they have. Not to mention, even if offshore drilling produced every drop optimists are talking about, it would not even be close enough to affect gas prices one way or another. Even President Bush's own Energy Information Administration admits that all we are talking about is a drop in the bucket that will have no effect whatsoever on the price at the pump.

Let me put offshore production into perspective. What our colleagues say is the panacea, the solution to everything, is misleading. The way they say this, you would think if we drill tomorrow, open up new land around our Outer Continental Shelf, guess what spurts right up? Let this happen tomorrow and you will get gasoline in your tank for a lot less.

I think the American public understands this much better than that. It understands it takes a decade before we see the first drop, and it understands it takes until 2030. Let's talk about needing relief now, not in 2030. Even then, what do we get?

Since April, Americans have responded to record high gas prices by using over 800,000 barrels a day less—800,000 barrels a day less than we did 1 year ago. This is the most significant and sudden drop in oil demand since the 1970s.

What has happened—notwithstanding the fact that we have reduced demand by 800,000 barrels a day—is that since April we have continued to see record gas prices—prices going up. In recent weeks, Saudi Arabia has increased their production by 500,000 barrels every day. What happened? Gas prices continued to go up.

So how is it that if we had 800,000 barrels a day in reduced demand—gas prices went up—and 500,000 barrels a day in new production by Saudi Arabia—a combination of 1.3 million barrels a day—how does the Bush-McCain drilling plan compare to these recent events wherein prices have gone up, notwithstanding that shift of 1.3 million barrels a day?

If we open all our shores and risk all our tourism, fishing industries, and all the economies of all the coastal States to oil production, the first drop of oil wouldn't be seen until the year 2017, and oil production would peak in the year 2030. What could we get in the year 2030? We would get 200,000 barrels a day. Well, my God, if a reduction of 800,000 barrels a day has done nothing and gas prices went up, if the Saudis are pumping out 500,000 new barrels a day and prices go up, how is it that getting 200,000 barrels a day in the year 2030 is going to reduce gas prices tomorrow? It is a sham being created by those who want another grab for their oil company friends, as we have seen over the last 7 years by the two oilmen in the White House.

To put that number another way, the amount of gas we could get from offshore drilling is equivalent to a few tablespoons per car per day. Together, an 800,000 barrels-per-day reduction in demand, an increase of 500,000 barrels per day of Saudi production equals that 1.3 million barrels-per-day shift in the market. Yet we still have record gas prices. So if this massive shift has no impact, it is clear the production of 200,000 barrels a day in the year 2030 will do absolutely nothing at all about gas prices today. It is simply wrong to think that opening offshore drilling will lower gas prices.

So one might ask: Why are oil companies asking us to hand over more land when they already have so much that is unused? It seems to me there is only one explanation. Oil companies aren't actually in a rush to drill in those areas, but they are in a rush to control as much Federal land as possible before their friends in the Bush administration leave office. The oil companies' strategy right now is to grab control of as much Federal land and water as possible before January 20 of 2009, the date the next President of the United States takes office. They are trying to take advantage of the current energy crisis to take control of more public property and boost their profits. The GOP plan to open our shores to drilling isn't only about oil prices, believe me; it is about share prices. That plan comes with a serious pricetag: a vast increase in the risk to the health of our coasts and the economies they support.

Sometimes, if you go to the Archives building here in Washington, on its portal it says, ''What's past is prologue,'' and I would remind Americans of some of these facts. We were all told we had the most advanced tankers in the world and that they would prevent any spills from happening, but we all also, I hope, remember the devastation off the coast of Alaska after the crash of the *Exxon Valdez*. We all remember that after Hurricanes Katrina and Rita there was, yes, a human tragedy and there was also an economic tragedy. There was an environmental tragedy off the gulf coast. I have read comments by some who say: Oh, nothing happened. Look at that. The infrastructure and the technology is so advanced, we didn't get one drop of spillage after Hurricanes Katrina and Rita. Wrong. False. Seven hundred thousand gallons of oil spilled into the Gulf of Mexico, and over 7 million gallons of oil leaked offshore from the infrastructure that supports offshore drilling.

Now, here is a picture. This is not my picture; this is a picture from the U.S. Coast Guard. What did they do to try to deal with the oil that leaked? They burned it to try to dissipate it. If I saw this off the New Jersey shore or in North Carolina or Florida or California or Oregon or Washington, I would say that is a major disaster. Yet we have colleagues who say not a drop—not a drop—spilled. False. Wrong. Not true.

Between commercial fishing, sport fishing, forestry, and tourism, drilling would pose a threat to coastal economies that are over $200 billion a year. That is how much our coastal economies generate along the east and west coasts—over $200 billion a year. That is part of what led President Bush's father to declare, when he was President, when he put in place the moratorium on offshore drilling, that:

> Certain areas of our coast represent unique natural resources. In those areas, even the small risks posed by oil and gas development may be too great.

I don't consider this type of contamination a small risk, but even the first President Bush said: ''Even those risks posed by oil and gas development may be too great.''

Even what he considered small risks were too great. This is far beyond small risks. It is what led President Bush's brother, Jeb, the former Governor of Florida, to say: ''Protection of those resources is of paramount importance to the State of Florida.''

Now, those Bushes got it straight. They understood.

In my home State of New Jersey, we cannot escape those risks, when drilling would happen less than 100 miles off our shores. The New Jersey shore generates tens of billions of dollars in revenues each year, and it supports about a half a million jobs. We have already seen in the past the devastating economic effects of medical waste washing up on our beaches. New Jersey families and businesses cannot afford the risk of an oil slick on the scale of

the *Exxon Valdez* crash or the spills after Hurricanes Katrina and Rita, with sticky crude forcing beaches to close, killing wildlife, collapsing property values, and destroying our economy in the process.

We need real barrels coming out of the ground, not paper barrels filling nothing but big oils' balance sheets. It is time to take action to shore up our energy security and drive down the price of gasoline.

First, we need to take action to lower gas prices now. The Federal Government should release oil from the Strategic Petroleum Reserve to provide immediate relief. We can have a swap where we can take the light crude—we can actually, in fact, make money on this—and get the type of crude we need and, at the same time, help try to affect the price by having that immediate surge of oil into the marketplace.

In addition, I have joined with Senators FEINGOLD and DODD to introduce the Responsible Federal Oil and Gas Lease Act, which requires oil companies to show they are either producing oil or gas on public lands or making progress exploring or developing them on current leases before they get their hands on more land, when they are not even producing on that which they have.

We have also introduced the Responsible Ownership of Public Land Act, along with Senator DURBIN. The bill would charge oil companies a fee for every acre of land they lease but fail to use for production. The combination of these measures could give the oil companies the incentives they need to get barrels of oil off their balance sheets and into the marketplace.

In addition, I will be offering an amendment to make sure oil that is produced on land owned by the people of the United States gets used by the people of the United States. Right now, oil companies shift 1.5 million barrels per day of domestically produced oil overseas. So 1.5 million barrels a day produced in the lands and waters of the United States shift overseas. Last year, that meant over half a billion barrels of oil per year was taken from U.S. public lands and sent abroad. Now, we are talking about using the Outer Continental Shelf and getting 200,000 barrels in the year 2030, while we have been sending over 1.5 million barrels a day to other places in the world—oil that comes from public lands.

If we are going to endanger our own environment and deplete our own resources, certainly we should be the ones who benefit from it. Not that I believe that should be the case, but in terms of taking a risk for our own lands and public resources—certainly not to drill off the coast, but to the extent that we have drilling going on now and we have land they are not drilling on, that ultimate production should be used here in the United States. Over half a billion barrels are sent abroad. We need to bring medium- and long-term relief so an energy crisis such as this does not happen again.

That moves us to the ultimate goal. This country should be far more aspirational in its view of this issue. We should approve the renewable energy tax extensions bill, which our colleagues on the Republican side have opposed, that would help continue the rapid growth of wind and solar and provide an incentive for the purchase of plug-in hybrid vehicles. This will help us begin the transition to new energy sources so we are not so vulnerable to the rising costs of fossil fuels, not to mention what it does to our environment and global warming.

We should clamp down on rampant oil speculation and burst the speculative bubble that has caused oil prices to skyrocket.

We should be acting now on global climate change legislation that lays out the framework to completely change our economy from one that is based on oil and other fossil fuels to an economy based on renewable energy.

That is a real plan, not just a plan to go out in search of our next oil fix.

Increasing the share of oil we produce here at home is important, and we should make sure there are incentives for oil companies to produce, but authorizing drilling in the Outer Continental Shelf would just be a distraction and would do nothing to bring down gas prices, now or ever.

Drivers are calling out for us to bring down gas prices, not to prop up oil companies' stock prices. Our Government needs to stop holding the oil companies' hand and start holding them accountable. American families and businesses deserve a government that works for them, not just for the people who sell us our oil.

A mother can't fill the family car with the predictions in oil companies' annual reports. A business can't ship its products with so-called likely reserves. What makes the engine of our economy run today is what comes out of the ground, not what is written on paper. What will make our economy run tomorrow is our ability to transition beyond this addiction.

Making a major commitment to create the economy of the future, free from the liquid shackles of oil, would send a clear message to the world that America is ready to lead again. That is the message we should be sending.

We have to ask ourselves: Since when have we been a country that is afraid of a challenge? Since when have we waited for others to innovate, waited for others to rescue us from the dangers we face, waited for other nations to take the lead?

When we entered the Second World War, our allies knew we were in it with our hearts and souls. When President Kennedy announced we would go to the Moon, friend and foe alike knew we would not rest until we had allowed mankind to take that giant step.

I refuse to believe a country responsible for the light bulb, the telephone, and the computer can't decide to become a country powered by wind turbines, solar cells, and geothermal plants. There is no reason we can't decide to move toward powering our Nation with innovative, clean energy, especially since we have the technology to get started.

Two Americans were the first to fly. As one engineer said at the time: ''The Wright brothers flew right through the smokescreen of impossibility.''

It is time we showed we believe that ending this energy crisis is incredibly possible.

If we want to bring down the sky-high price of oil, stop shipping our money overseas in exchange for foreign oil and make our economy soar again. It is time we did everything we can to get a real program for energy independence off the ground. That is our real challenge. That is our real opportunity. That should be our real mission.

I close once again by saying that this comment about offshore drilling, that it is the way we are going to solve all our problems—800,000-barrel reduction in demand, prices went up; 500,000 barrels more production by the Saudis, gas prices went up; 1.3 million barrels and change, prices went up; 68 million acres of land the oil companies have they don't use, that is another reason prices go up—restrict the demand.

The bottom line is, let's move forward in a way that meets our challenge not only today but tomorrow. We are a country that can do. We are a country of infinite possibilities. It is time to go beyond the shortsighted, narrow view that, in fact, we must risk all of our coastal economies, $200 billion a year, for something that won't produce one drop of oil for a decade, won't receive full production until 2030, and won't do anything now or in the future about reducing gas prices but will ultimately say to future generations of Americans that we, in the expediency of the moment, were willing to risk not only those economies but the natural resources of this country for something that would do absolutely nothing about gas prices.

We can do better than that. That is what this debate is all about, and that is the opportunity we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know we are all under confined time. I have a lot more to say than time will allow. I just listened to these remarks, and I wonder, why do people think the American people are so dumb they don't understand supply and demand?

A couple weeks ago—and no one can ever accuse the Washington Post of being partial to conservatives or Republicans, but they came out with an editorial, and they said: Why do Members of Congress think they can repeal the law of supply and demand? You can say it all you want, but we have to have more supply.

Ever since the 1995 veto of the bill that would allow us to go offshore to increase our supply, go to ANWR, go to oil shale, the Democrats have voted against increasing supply since that time. That was the middle nineties, and now we are paying for it. I can remember coming to the floor of the Senate back then when President Clinton vetoed the bill that would allow us to increase our supply and saying the day is coming when we are going to be sorry we did this.

I am very proud that the other day President Bush called for action by Congress in four areas. One is the Outer Continental Shelf, about which we have been talking. The others are ANWR and America's oil shale.

To give an idea of the capacity, this is called supply. We know what our demand is; everyone is demanding. This is supply. We called for it. We can have all the supply in the world, but if we don't have the refining capacity, we are not going to be able to use it.

We had the Gas Price Act. I thought that was one that would offset any kind of objection to the idea that we should be refining in this country. It was using some of these closed military places, along with EDA grants, to allow them to have refineries in America. We don't have the refining capacity in America, and we need to have it. We need to have the supply, and we need to have the capacity to refine the oil.

Polling—and I think the Democrats should be looking at this—is not where it used to be. The recent polling data from Rasmussen showed that 67 percent of the voters support offshore drilling. Only 18 percent oppose it. The same poll also found that 64 percent believe that if offshore drilling is allowed, gas prices will go down. And they will. There have been several editorials which we have made part of the RECORD which have shown the market response when things such as this happen. When we open capacity, the market will respond.

Another poll found that 81 percent of Americans support greater use of domestic energy resources. By a margin of more than four to one, Americans surveyed supported the United States tapping into its own domestic energy reserves. We are the only country in the world that does not tap our own reserves.

With regard to offshore, I listened to the arguments, which are really kind of ludicrous. When you stop and realize that offshore we have the capacity of 14 billion new barrels, and people come down and say—I heard the assistant majority leader say a few minutes ago that there are 68 million acres out there that are not being explored, not being produced, not being drilled at this time. There is a very good reason for that—because there is no oil on them. Oil isn't everywhere, but where you know it is, you need to go after it. So 85 percent of the land where there is an opportunity to bring oil in, the Democrats won't let us explore it. It is something I think the American people understand and understand very clearly.

ANWR is another area. It contains 10 billion barrels—back at the time President Clinton vetoed the bill—that would be coming through the pipeline today in resolving these problems we have.

Rocky Mountain oil shale—that is the big one. That is the one that has 2 trillion barrels. Right now, they cannot go after them, they cannot continue technology, they cannot explore for that, they cannot produce it because the Democrats have a moratorium. Yet, if you go to the States where this is located—Colorado, Utah, the Western States—they all want to do it. It would be great for the economy, it would be great for America, and it would not take any time at all to get this done.

Imports. Opening the Nation's access to reserves on the Outer Continental Shelf, ANWR and oil shale would cut our Nation's trade deficit in half. We have recently been watching T. Boone Pickens, and we should listen to him. He talks about some things we can do with wind energy, but he talks about natural gas, and that is a partial solution to the problem. I have a bill that would allow compressed natural gas to be fully utilized. Right now, there are some obstacles with the EPA and others, but I agree with T. Boone Pickens; that if we pass this bill, we will be able to utilize that. As he said, we need to continue to produce, continue to explore, because we cannot run the greatest machine in the history of mankind on solar and wind power right now. We hope that day comes, but it is not here.

We could cut our trade deficit nearly in half. According to the Energy Information Administration, the United States spent more than $327 billion to import oil in 2007. That is roughly half of the $711 billion trade deficit we had last year. So not only will we get cheaper gas for Americans at the pump merely by increasing capacity, increasing the supply that is out there, but we also would do some great things in terms of our trade deficit situation.

Why should producing America's own resources be a partisan issue? It shouldn't. But the Democrats in Congress refuse to increase the supply of energy, and the gas prices keep rising. We have seen recently that all we have to do is open that and the markets will immediately respond. I feel this is going to happen. I cannot imagine that the polling is going to get much more favorable than it is today.

There is one State—I won't mention which State it is because it is considered to be pretty much a liberal State—that 3 years ago, only 28 percent of the people in that State wanted to drill offshore and in ANWR. Today, it is 68 percent. It doesn't get much better than that.

I suggest, Mr. President, we get the Democrats to join us, increase the supply and resolve the problem, the energy crisis we have right now. The No. 1 problem in America—talk with my wife, talk to any State, they will tell you the No. 1 problem is the price of gas at the pumps. We can solve it with greater supply.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I rise to speak today on the topic of energy, a topic that is obviously consuming Members of both Chambers of Congress. It is something everyone in the country is focused on, and for good reason—gasoline at $4 a gallon and oil reaching $140 a barrel. Even in the heat of summer, people are concerned with how they are going to pay to heat their homes this winter.

We need a sound, balanced approach to energy. This approach certainly has not been any part of the debate we have had in Congress in recent months because all the discussion seems to center around the idea of speculation, which is something we need to address and should be concerned about, but rest assured, it is not the lion's share of the problem. We need to do more than just look at ways to appropriately regulate our financial markets.

If we look at the bill on the floor, it has fallen into that same trap. This is a bill which does not deal with conservation, it does not deal with alternative and renewable energy, it does not deal with energy research, it does not deal with electricity production, and it does not deal with new production of oil or natural gas or any other kind of energy.

I think people across the country look at a debate such as this and they scratch their heads: How can people seriously think they are going to have a positive impact on energy prices in the medium term or the long term if they are not really doing anything about either supply or demand? There is no question, we do need to continue to work to use less energy, save energy, and conserve energy. However, we also need to work to find more energy, develop new alternatives for energy production, and develop new reserves of energy at home. Those are the kinds of changes that will make a real difference in the long term, but they will also make a real difference in prices today because the energy futures market is just that—a prediction of what the price of energy will be in the future. If the markets, businesses, industry, and investors are convinced that there will be a concerted effort to do a better job saving energy—using less—and do a better job of producing energy—finding more—then those prices will, without question, come down. We need legislation that makes aggressive steps in all of these areas, and to think that we could just deal with one area one time with a very modest approach and have an impact is simply mistaken.

Regulation is important. Regulation is important because it ensures that the markets have integrity. Regulation ensures that investors, whether it is a pension fund or a mutual fund, or a farmer who is hedging prices for the potential of an increase in energy prices in the future, have confidence in the marketplace.

Any time we have a financial market, we want to make sure disclosure is appropriate. In the case of energy futures, we want to make sure we have appropriate position limits and information that is being shared across different platforms so that we understand what those positions are, what their volumes are, and what might be influencing pricing. We also want to make sure that we have information that might be important to bring to bear if there is a case of price manipulation, which is against the law and should be prosecuted to the fullest extent of the law.

The question is really whether what this bill addresses and only addresses—the idea of regulation in the markets—whether this bill as written would significantly affect price. I don't think it would have a significant impact, but I suggest you don't take my word for it. Let's look at what investors and financial experts and regulatory agencies have to say about the current problem.

Just in this past month, Warren Buffett, an intelligent investor, well known, candid, honest, certainly not a Republican, had this say:

It's not speculation, it's supply and demand. We don't have excess capacity in the world anymore and that's why you are seeing oil prices increase.

The Chairman of the Commodity Futures Trading Commission says:

We haven't found evidence that speculators are broadly driving these prices.

The International Energy Agency—not beholden in any way to American politicians or American investors on Wall Street or Main Street—says:

There is little evidence that large investment flows into the futures market are causing an imbalance between supply and demand and therefore contributing to high oil prices.

Chairman Ben Bernanke, testifying before Congress, said:

If financial speculation were pushing oil prices above the level consistent with the fundamentals of supply and demand, we would expect inventories of crude oil to increase. But, in fact, available data on oil inventories show notable declines over the past year.

These individuals and organizations are not political in nature. They share the same goal a good legislator would have, or anyone in America, to try to bring down prices. They recognize that simply adding new regulations to the futures market is not going to have a significant effect on the fundamental problem of supply and demand.

So the question is: How do we have an impact? How do we enact legislation today that will have an effect on energy prices, not just in the near term but in the long term as well? Well, we need a little more substance, don't we? And I think that starts with conservation—the idea of using less energy.

It is important to note this is one area where this Congress has taken a positive step, passing for the first time in 32 years an increase in fuel efficiency standards for cars and trucks, and raising that fuel efficiency requirement to 35 miles a gallon by the year 2020. That will make a difference, and we need to work to make sure that is fully implemented.

But we have already seen, if we look back over the last few decades, the impact that conservation can have, because today our economy uses over 30 percent less energy to produce a dollar of goods or services than we required 30 years ago. Legislation such as the conservation measure I described and was pleased to support, will help keep us on track to improve conservation.

Second, clean renewable energy. Again, this pending legislation does nothing to encourage alternative, renewable energy, and yet we have legislation that the Senate previously considered that has strong bipartisan support that would expand the incentives for wind, solar, geothermal, biomass, and high-performance wood-burning systems. We have that legislation. It has passed the Senate 88 to 8. It extends the production credits. And it is good for the environment, of course, as we all know renewable energy is. In New Hampshire, where we have a strong history of sustainable forestry, incentives for high-performance wood-burning systems are good for the local economy, and it plays a real part in reducing our dependence on energy imports.

So we have conservation and we have renewable energy, but with oil reaching $140 a barrel, it is not realistic to think we can reduce our energy imports if we don't produce more here at home. We need domestic production of oil and domestic production of gas, in addition to these clean renewables and conservation initiatives.

One of the previous speakers talked about 10 to 15 billion barrels of oil in the northernmost part of Alaska, billions of barrels of equivalent reserves on the Outer Continental Shelf, deep offshore. And most importantly, today we have the technology to take advantage of these reserves in a way that is more efficient than ever before, and in a way that protects the integrity of the environment better than ever before. The time is now to employ this technology, to unlock this opportunity, and in doing so to have a real impact on the cost of energy in the United States and around the world.

The same individuals who are opposing these initiatives today opposed them 5 years ago, 10 years ago, and 20 years ago. Unfortunately, we didn't take action 5 years ago or 10 years ago, and now they say: Well, if you allow additional production deep offshore, it will take some time to take advantage of those reserves. Of course it will take time. Everything takes time. It takes time to build a new wind farm. It takes time to construct a new nuclear powerplant. It takes time to have the conservation proposals I talked about earlier reach their full impact. But that is all the more reason to start acting today.

Without question, an American commitment to take better advantage of resources here at home will have an impact on the predicted cost of energy out in the future. It will bring down the cost of energy today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, conservation, clean renewable energy, and production—this is a balanced approach, and it is the only approach that will attack on all fronts and ensure that we bring down the cost of energy for all Americans.

A final point I want to make is that even as we act in these areas, there is one other area we need to act on, and that is helping those who don't have the financial means to work through the coming winter months and the high cost of energy. Senator GREGG, who is now on the floor, has introduced legislation to double funding for the Low Income Heating Assistance Program, and to do so in a way that is fully paid for. I am proud to cosponsor that legislation, and it is legislation that should also be included in this final energy package.

We need an opportunity to offer amendments on renewables, on low-income heating assistance, on production, in order to make this a meaningful energy package that makes a difference for all the people in the country by bringing down those energy costs we see every day at the pump and across the country.

Mr. President, I thank you for the time, and I look forward to the opportunity to offer amendments, which I hope will be supported aggressively on the floor.

The PRESIDING OFFICER. The senior Senator from New Hampshire.

Mr. GREGG. Mr. President, I first congratulate Senator SUNUNU, my colleague and friend from New Hampshire, for his excellent statement, and I agree with everything he said, especially the part about cosponsoring the bill I introduced. But Senator SUNUNU brings a unique perspective to this issue because he is the only engineer in the body, having graduated from MIT, and he understands the physics and the chemistry and the technology issues of getting more production. Thus when he speaks on those issues, we all need to listen.

I rise, as he and many of my colleagues do today, to ask about why we aren't taking up a more in-depth energy bill than just one that deals with

speculation—and speculation being at the margin of the problem, according to the leading experts on this.

When I was home this weekend, I filled up my wife's car and it cost almost $70. Now that is what you call painful. The people in New Hampshire and across this country, when they pull into that gas station, are asking themselves whether they can afford the price of this gas. People in the Northeast and in the colder parts of this country are worried about what is going to happen this winter when the price of home heating oil has to be met. It is a scary time, and we, as a Congress, have a responsibility to do something about that.

It doesn't take a lot of expertise to know there are two ways you can address this problem: You can produce more energy—hopefully American energy—and you can consume less energy through conservation. This bill that has come to the floor here today basically does neither. It doesn't produce more and it doesn't conserve more. It simply attacks speculators, who, according to most of the experts, haven't been the major problem in this runup in the area of the cost of energy.

The problem is pretty obvious. There are 2.5 billion people between China and India who are starting to use significant amounts of energy as they move into a better lifestyle. That has created massive new demand, and supply has not gone up because there has been no significant increase in supply across the world, especially supply here in the United States. So the price has gone up and gone up dramatically.

The solution isn't, as has been proposed from the other side of the aisle, to not export American energy any longer, which would give us half a day of savings in oil; or to go into the Strategic Oil Reserve and use that all up, which will give us 3.5 days of additional oil. The solution is to look for major new production sources in the United States, as well as conservation initiatives.

For example, if we use oil shale, we have, between 3 States—Utah, Colorado and Wyoming—2 trillion barrels in reserves of oil shale, and it can be withdrawn from the ground in an environmentally safe way. What does that represent? That represents 40,000 days of oil that could be produced—American oil. It is only common sense that we should pursue American oil production, when we can do it in an environmentally safe way—which we can—and when it is sitting there. The American people understand that.

On the Outer Continental Shelf, we have billions of barrels of oil sitting there available, and we know we can produce it in an environmentally safe way. Why do we know that? Because we have had examples of it. Hurricane Katrina, a force 5 hurricane, came right up the Gulf of Mexico and destroyed one of our greatest cities. It was a horrific event. But one thing that didn't happen as a result of Hurricane Katrina was that we did not lose a barrel of oil from the production sites, from the drilling sites in the Gulf of Mexico. So we have proof beyond doubt that oil can be extracted in a safe way, and we should be extracting it.

Why should we be sending billions of dollars annually overseas to governments and individuals who have no use for us—whether it is in Venezuela or Iran—when we can be buying American oil and producing American product here in the United States in a safe and environmentally sound way? It is common sense that these opportunities which sit there should be taken advantage of for the American people, and that we conserve more and we create more renewables.

Yet when a bill comes to the floor which is supposed to involve the major energy debate of this Congress, what happens? The other side of the aisle says they are only going to allow one issue to be discussed: speculation. They are not going to allow the issue of drilling on the Outer Continental Shelf, producing more American energy, to be discussed or voted on or policies to be pursued. They are not going to allow oil shale and the extraction of oil shale to be discussed or voted on or addressed in a way which will allow us to pursue that course of activity. There is no initiative that is going to be allowed to be brought to the floor and no amendment on the issue of expanding nuclear power, which is the cleanest form of energy we have and that doesn't create more environmental hazard in the way of greenhouse gases. All of those issues, which common sense tells you we should be addressing, are taken off the table. All that is wanted from the other side of the aisle is a political vote to give them cover in the next election.

Well, the American people aren't interested in cover for the election, they are not interested in the politics of the next election, they are interested in doing something that has an immediate and long-term effect on the price of energy and makes our Nation stronger.

Now, why does action in the area of production—which may, as the Senator from New Hampshire said, take 5, 10 years to bring on—have an immediate effect on the cost of energy? Because the price of a barrel of oil is based on what is the expected supply in the outyears. And if the international community knows America is going to step up and start producing energy, the price of the barrel of oil goes down.

The world community knows we are sitting on 2 trillion barrels of reserve in oil shale—three times the amount of oil Saudi Arabia has. If we say to the world we are going to access that oil, the price of oil will be affected significantly today, even though it may take a few years to get it on line. We are sitting, as I said, on billions of barrels of oil on the Outer Continental Shelf. If we say to the world we are going to use that oil, we are going to take advantage of that oil, the price of oil on the world market will adjust to reflect that.

And equally important, we will be keeping those dollars in the United States. These are hard-earned American dollars. People spend their weeks working hard to produce that income, and they want to have that income reinvested here in the United States. They do not want to send it to Iran or to Venezuela to be reinvested there. They want it to be reinvested here. And the way you reinvest here is to buy product here.

So we need to produce more, but most especially we need to have a debate on this floor which allows us to discuss these issues in a formal, constructive way so we can have amendments and people can decide what is the best policy, not shut off debate, as is being proposed. What is the fear that pervades the other side of the aisle that they are not willing to discuss the issue of the Outer Continental Shelf? I am willing to take on the issue from an environmental standpoint.

I think I have a pretty good environmental record. I am willing to defend the idea of going on the Outer Continental Shelf to produce energy from an environmental standpoint. I know it is good policy from the standpoint of production. The same is true of oil shale. The same is true of nuclear power.

Let's bring those issues forward here, put some policies in place that allow us to use those type of energy resources so we can reduce the cost to the American people of the price of their energy and also keep those dollars in the United States.

At the same time, we do need to pursue an aggressive course in conservation and in renewables. That is why I am supporting, along with Senator ENSIGN, Senator CANTWELL from Washington, a bill to reauthorize the renewable tax credits so energy sources such as wind and biomass can be aggressively used and effectively used.

Unfortunately, that bill has also been stopped on the floor of the Senate. It should not be. We should be pursuing that course of action as aggressively as we are pursuing alternatives which give us more production.

You know, my experience in Government is that when you confront an issue, and there is a commonsense solution to that issue, most people usually get it. I think most people, at least in New Hampshire, get it, that this issue of energy, which is so huge and so important to everybody's lives, especially as we head into the winter, requires an aggressive response in the area of more production and more conservation.

They also understand, and most people understand, you cannot produce more unless you actually go out and look for it. I mean it is common sense that you cannot produce more unless you look for it. The way you look for it is you look where it is. Where it is is in

the oil shale of the West and in the Outer Continental Shelf.

We have proven beyond any doubt that both of those resources can be used effectively and in an environmentally sound way. At the same time, we know that there are other sources of energy that are available to us, such as nuclear, and that there are ways to conserve, such as advancing the electric car and advancing other initiatives in the area of renewables.

So it is a degradation of our responsibility as a Congress, in my opinion, to not take up this issue and address it across the board; take on all the different elements of it so the American people have some confidence that we are actually moving forward and we are not simply trying to dot a political ''I'' for the next election or to cross a ''T'' for the next election so we can claim we did something here on one item of the overall problem.

This is a time to take some action. I certainly hope we do not leave, that this Congress does not recess without having done something constructive in this area and something that meets the commonsense test of the American people, which is we need to produce more American energy and we need to conserve more American energy.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business but for the time to count against the 30 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

VA HOTLINE

Mrs. MURRAY. Mr. President, we have had a very important debate today about energy which I spoke about earlier today. I come to the Senate floor this afternoon to talk about another issue that is also important; that is, to raise awareness about one of the most heartbreaking and alarming consequences of the wars in Iraq and Afghanistan.

In the 5 years since we invaded Iraq, we have seen a disturbing increase in the number of young men and women who are returning home, struggling with the psychological impact of the war and then, sadly, take their own lives. About 1,000 war veterans who are being treated by the VA attempt suicide each month. It is a problem that is affecting many communities across the country.

Earlier this month, we lost a young man in my home State of Washington, just hours after he went to the VA in Spokane to ask for care. He was, in fact, the sixth veteran in that community to take his own life this year. Currently, the Spokane VA is investigating all of those cases. I have spoken to Secretary Peake, and he has assured me his team is on the ground taking a hard look to see what went wrong and what they can learn from that case. But while I appreciate the work Secretary Peake and the Spokane VA are doing, the fact is this is a serious problem across the country.

Every suicide is a tragedy. Those young men and women are someone's son or daughter, someone's best friend, possibly someone's spouse or even a parent. Our hearts go out to all of those families and their friends. These deaths are an urgent reminder that we have to keep our eye on the ball. We owe it to all of our servicemembers and veterans to demand that the VA and the Department of Defense make it a national priority to bring those numbers down.

I acknowledge that the VA is taking steps to reach out to our veterans and their families to let them know that help is available. This week, in fact, the VA is rolling out a public service campaign in Washington, DC. It is part of a 3-month-long pilot program, and the VA is going to be running a series of ads on TV, on buses and trains, and on the subway. Those ads are going to highlight the VA's 24-hour suicide prevention hotline. The number for that is 1–800–273–TALK. It will help assure our veterans it is OK to ask for help. I truly applaud the VA for that effort because it is a good step. We have to absolutely get the word out to veterans and their families. If this helps prevent one tragedy, then it is more than worth it.

I applaud the VA. I hope the Defense Department will also publicize that number among its Active-Duty troops so when they leave the service, they will already be aware of it. But this is only a step. An ad campaign is only as good as the resources that are there when our servicemembers call and ask for help.

If we truly are going to make a difference, we need a much bigger effort. We have to do more to reach out. We have to do more to break down the barriers to those seeking mental health care. We need to back up those efforts with enough resources and money to ensure that when a veteran goes into the hospital asking for help, the VA offers the best care possible.

While I applaud the idea of publicizing the suicide prevention hotline, I believe the military and the VA must reach out long before our young men and women pick up that phone and call for help. That is going to take creativity and leadership.

The VA and the Defense Department can't keep doing things the way they have always done them because the wars in Iraq and Afghanistan are not like any we have fought before. Our All-Volunteer Force has been on the ground in these two countries for longer than we fought in World War II. Troops get very little downtime. Many of them are serving their third or fourth and sometimes fifth deployments. This is a stress that is taking a toll on everyone.

For many of them, it gets worse when they come home to the pressures of everyday life or financial strains or family problems. That is especially true for members of the National Guard and Reserves because, unlike Active-Duty troops who return from battle to go to a military base where there is a support network, many of our Guard and Reserve members go home right away to family pressures and to civilian jobs they need to start right away.

The military and the VA have to update their resources and outreach efforts to match the challenges our troops face when they return. That safety net has to be in place before they ever leave the military. That means we must have creative programs that help our servicemembers transition from that battlefield back to the home front. It means providing family and financial counseling to any servicemember who needs it, and it means developing a way for the military or the VA to follow up with our servicemembers, especially those who have already asked for help with psychological needs. We have to also encourage our servicemembers and veterans to seek care when they need it by breaking down the barriers that prevent them from asking for help.

The VA and the Defense Department have to take strong steps to change the military culture so that servicemembers no longer fear that seeking care will be viewed as some sign of weakness or one that could hurt their career. Even more important, servicemembers and veterans must be convinced if they ask for help, doctors and staff will take them seriously and provide the care they need.

I personally have heard too many tragic stories about veterans who have gone to the VA in distress, only to face a doctor who underestimated their symptoms and sent them home to an end in tragedy. When someone with a history of depression or PTSD or other psychological wounds walks into one of our VAs and says they are suicidal, it should set off alarm bells for everyone. We can't convince veterans or servicemembers to get care if they think they will be met with lectures and closed doors. That is simply unacceptable. At the very least, we have to ensure that staff at military and VA medical centers have the training to recognize and treat someone who is in real distress.

Finally, we have to provide the resources to back up all of these efforts, starting with making sure that the suicide prevention hotline is staffed with enough trained professionals to provide real help to someone in need. I hope that will be the case. Unfortunately, this administration has failed for 8 long years to make good on its promises and provide the resources for our veterans to carry them out. Time and

time again it has taken leaks and scandals to get the administration to own up to major problems at the VA—from inadequate budgets to rising suicide rates about which I am talking today. Its response to rising costs has been to underfund research and cut off services for some of our veterans. We have to do better than that. Servicemembers and veterans need more than an 800 number to call. They need psychiatrists and psychologists who understand the horrors of war and the stresses our troops feel.

We also have to make sure we have the facilities and systems set up to accommodate the troops who will be entering the VA system in the next decade. We have to fast-track research into the signature injuries of this war, such as traumatic brain injury or posttraumatic stress disorder, so we understand how to diagnose and treat those conditions. We need to speed up efforts that will enable the DOD and VA to share records so that fewer servicemembers slip through the cracks as they transition from Active Duty to veteran status. Now is the time to invest in research and infrastructure. We cannot afford to wait.

Many of us are familiar with the story of Joseph Dwyer, a young Army medic, made famous in a photo taken during the first week of the U.S. invasion of Iraq. In that photo, we have seen Joseph running toward safety with an injured Iraqi child in his arms. It is an epic image of bravery and compassion.

When he came home, Joseph struggled to fit back into civilian life. He suffered from PTSD and, tragically, earlier this year, he died of what police are treating as an accidental drug overdose. That photo of Joseph Dwyer captured the incredible work our troops are doing every single day. But, sadly, Joseph's story is also now an example of what far too many veterans face when they come home. The photo of Joseph was taken during the first week of this war. Now, more than 5 years later, we ought to have the resources in place to treat the psychological wounds of war as well as we do the physical ones. But we don't.

I ask my colleagues to put themselves in the shoes of a parent or spouse who has lost a child, a husband or a wife, or someone they know to suicide. I want them to think of all the questions they might be asking. We might not be able to provide all the answers, but we should at least be able to say we are doing everything we can to address the problem.

We know there are many dedicated, hard-working VA employees who spend countless hours providing our vets with the best treatment possible. We also have to recognize the system is still unprepared today for the influx of veterans coming home. As I have told my colleagues before, a recent RAND study shows that one in four veterans is struggling with PTSD. It is the duty of the VA and of a grateful nation to be prepared to care for their unique wounds. In order to do that, we need strong leadership and attention to detail in Washington, DC, in Spokane, WA, and everywhere in between.

At the end of day, this is not about bureaucracy. It is not about protecting turf. It is about saving lives. I am glad the administration plans to increase its outreach. It is a pilot program. It is only a small step. We have to make this a national priority to address this tragedy.

The administration has to back up its efforts by reaching out to our servicemembers, veterans, and their families. We have to break down the barriers that prevent our servicemembers and veterans from seeking and getting mental health care, and we have to provide adequate resources.

No matter how anyone feels about this war, our troops are heroes. They have done everything we have asked of them—and more. It is time our commitment measured up to theirs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today to express my sincere concern about the manner in which this body is considering energy-related legislation.

My constituents are interested in meaningful policy that will address the extremely high energy costs they are facing today. They know that in order to deliver real results, we must develop legislation designed to address the entire problem—supply, demand, and market oversight.

They are not interested in why one policy proposal is more worthy than another and therefore should be addressed before the other necessary elements of the solution, which is no doubt the debate we will be having today. We need to deal with increased supply from both traditional energy sources and next-generation sources, improve conservation of resources, and ensure greater market transparency and oversight.

I recognize that for meaningful, comprehensive legislation to pass, both Democrats and Republicans are going to need to work together, which means everyone will not get everything they want, and we will all have to accept a few things that do not necessarily appeal to our interests. But that is what it takes to forge a workable compromise. Democrats and Republicans need to come together and determine what we can agree to, rather than bringing legislation to the floor of the Senate that, frankly, is designed to offend one side or the other.

For this reason, I have sought to work with my colleagues on the other side of the aisle, and have found that many within this body want to develop a bipartisan proposal that will yield real results. Unfortunately, the bill before the Senate today seems more intended to divide the Senate rather than unite us in an effort to develop a meaningful solution.

As ranking member of the Senate Committee on Agriculture, Nutrition, and Forestry—the committee with jurisdiction over commodity futures trading—I have an obligation to ensure that legislation dealing with such matters is appropriately analyzed. Unfortunately, the committee of expertise did not have an opportunity to review this legislation before it was brought to the Senate floor, and for that reason many problems exist within this language.

When dealing with issues of such complexity, we cannot afford to ignore the potential unintended consequences that will surely result from this approach. What if we are wrong and we actually drive up the price of crude oil? What if we miscalculate the true burden we are placing on the over-the-counter market and such activities migrate to foreign markets? What if we reduce liquidity in the market so much that our physical market participants have limited hedging opportunities?

As I said, this issue is extremely complicated, and the factual data is lacking, which, unfortunately, allows everyone to paint the picture convenient for their own cause. I am sure you all have heard conflicting reports. For example, some claim that in recent years noncommercial participation, or speculation, in the oil markets has not changed when compared to the proportion of commercial participation by those who actually have a stake in the physical commodity, while others say that speculation in the oil markets has increased from 37 percent to 70 percent in recent years.

This is quite a discrepancy in the facts. The truth is that neither of these claims is proven completely accurate. Why? Because the category used to determine commercial participation includes swap dealers who actually trade on behalf of both commercial operators as well as speculators, and we simply do not have the data to verify which claim is accurate.

The Commodity Futures Trading Commission is now in the process of getting more segregated data from these swaps dealers to determine how much activity is truly speculative in nature. But data separated out in this manner is currently not available. We simply do not know yet how speculation participation may or may not have increased compared to participation by those we would consider physical market stakeholders.

I only mention this as an example of conflicting data upon which some of those proposed policy changes are predicated. I am not claiming that one side or the other is correct. But I do believe we need to have accurate data before we seek to make major modifications in the manner in which these futures markets operate.

I want to be perfectly clear about this: I am not opposed to all aspects of the bill before the Senate today. In fact, I believe many of the components designed to yield more transparency in

these markets are necessary and that they could be improved upon and enacted. We must ensure that the information both the regulators and Congress use to ensure proper oversight is accurate to warrant our actions.

However, this language goes far beyond what I consider reasonable, especially absent factually based data to support such radical changes and a thorough review of the potential unintended consequences. I truly believe that a reasonable market oversight component could be developed as part of a bipartisan, comprehensive package, but, unfortunately, this approach is only distracting us from developing more reasonable and balanced legislation.

I have in hand a letter from the U.S. Department of the Treasury, among others, dated July 21, 2008. It is a letter from what is referred to as the President's Working Group on Financial Markets. It is a group made up of the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, the Chairman of the Board of Governors of the Federal Reserve System, and the Acting Chairman of the Commodity Futures Trading Commission.

We requested that group—which is the group that is viewed in this town as the most expert group on issues related to the financial markets—we asked them to take a look at S. 3268, the bill before the Senate now, seeking to put more restrictions on speculators in the oil commodities market, and to see what they thought about the particular bill—not the issue of speculation, but the bill itself.

First of all, Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 21, 2008.

Hon. SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: In response to your July 16 letter, we are providing the views of the President's Working Group on Financial Markets (PWG) concerning S. 3268—legislation addressing regulation of the U.S. energy futures markets.

The PWG is concerned that high commodity prices, including record oil prices, are putting a considerable strain on American families and businesses. Proper regulation of the energy futures markets is necessary to ensure that prices reflect economic factors, rather than manipulative forces. To this end, the PWG worked with Congress to enact, as part of this year's Farm Bill reauthorization, additional regulatory authorities for the CFTC to regulate certain over-the-counter (OTC) energy transactions on electronic exchanges. The PWG also supports the recent steps taken by the CFTC to improve the oversight and transparency of the energy futures markets.

The PWG agencies also are participating in an Interagency Task Force on Commodity Markets that will provide a staff report on the role of economic fundamentals and speculation in the commodity markets in the near future. If this staff report or the analysis of other data the CFTC has recently collected from commodity market participants suggests that changes to futures market regulation are necessary, the PWG stands ready to assist lawmakers in crafting such modifications.

However, the PWG believes that bill S. 3268, as introduced, would significantly harm U.S. energy markets without evidence that it would lower crude oil prices. Among its several provisions, it would require the CFTC to define and promote ''legitimate'' trading and significantly curtail other types of trading in the futures, OTC and overseas markets. Such unprecedented restrictions on market participation could reduce market liquidity, hinder the price discovery process, and limit the ability of market participants to manage and transfer risk. Provisions in the bill also may harm U.S. competitiveness by driving some trading to overseas markets or to more opaque trading systems at a time when policymakers are trying to encourage greater transparency. Should this legislation become law, the chances of significant unintended consequences in the markets would be high.

This legislation would regulate for the first time certain OTC transactions similarly to on-exchange transactions. It has been the long-held view of the PWG that bilateral, OTC derivatives transactions do not require the same degree of regulatory oversight as exchange-traded instruments because they do not raise the investor protection and manipulation concerns associated with exchange-traded instruments. Regulating these OTC instruments could prove costly and difficult to administer by both regulators and the industry given the size and nature of the market, might not provide meaningful regulatory data, and could negatively affect the ability of U.S. firms and markets to compete globally in these types of transactions.

To date, the PWG has not found valid evidence to suggest that high crude oil prices over the long term are a direct result of speculation or systematic market manipulation by traders. Rather, prices appear to be reflecting tight global supplies and the growing world demand for oil, particularly in emerging economies. As a result, Congress should proceed cautiously before drastically changing the regulation of the energy markets.

We look forward to working with Congress on these important energy market issues and appreciate your seeking our views.

Sincerely,

HENRY M. PAULSON, Jr.,
Secretary of the Treasury.
BEN S. BERNANKE,
Chairman, Board of Governors of the Federal Reserve System.
CHRISTOPHER COX,
Chairman, Securities and Exchange Commission.
WALTER L. LUKKEN,
Acting Chairman, Commodity Futures Trading Commission.

Mr. CHAMBLISS. I want to take a minute to read a couple of statements in the letter. The PWG refers to the bill, talks a little bit about what it will do, and then it says:

. . . the PWG believes that [the] bill S. 3268, as introduced, would significantly harm U.S. energy markets without evidence that it would lower crude oil prices.

It goes on to say:

To date, the PWG has not found valid evidence to suggest that high crude oil prices over the long term are a direct result of speculation or systematic market manipulation by traders. Rather, prices appear to be reflecting tight global supplies and the growing world demand for oil, particularly in emerging economies. As a result, Congress should proceed cautiously before drastically changing the regulation of the energy markets.

This mirrors exactly my concern about this particular piece of legislation. If we have a knee-jerk reaction to the issue of speculation in the markets, and we are wrong, what we are going to do is we are not only going to destroy the energy markets in this country, but we are going to take those legitimate operators, those legitimate investors in the energy markets, and we are going to drive them overseas. We are going to have no control whatsoever over their buying and selling of contracts, whether it be oil, and the next thing we know it will be other food products that are dealt with in the commodity world on a daily basis.

So I think we need to listen to the experts. We need to make sure we take the time to develop the right kind of policy, with the right kind of expert information, having input into the legislation, whatever it may be. At the right time, let's have a bill on the floor that encompasses not only the energy markets themselves and any type of additional restrictions or regulations we need to put there, particularly from a transparency standpoint, but also we need to deal with the overall issues of additional domestic exploration. We need to deal with the issue of conservation, whether it be through lessening the use of gasoline, diesel, or whatever.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CHAMBLISS. Plus, we need to make sure we are developing the right kinds of incentives in the automobile industry, as well as for consumers to encourage the manufacture and purchase of vehicles that are operated by alternative methods, whether it is electricity or natural gas, or whatever it may be.

So I urge we move cautiously, we not react too quickly, and we be very careful in our approach to this issue and the bill that is on the floor today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise today to discuss an issue that is in the forefront of every American's mind. Americans nationwide are struggling with high gas prices. I attended a press conference the other day with people who administer programs that provide for the poor, they talked about how the poor are being disproportionately affected by high fuel prices. The part of the American population being most severely affected is those who operate on the margins, such as our poor, such as small business people, who traditionally contribute a huge amount to our economy. Many times they do not have the ability to store their resources for when the economy turns

down, so these small businesses, and these poor Americans, are being impacted disproportionately.

Higher gas prices not only affect our ability to get around, but increasingly they are affecting each facet of our everyday life. Energy builds into our economy from the natural resource level right on up to the final product that goes out to the market and is utilized by the consumer.

Fuel costs are making transportation, construction, and food costs rise. Recently, oil hit $145 per barrel and, from the beltway to Middle America, $4 a gallon gas is the frightening norm.

In the face of these challenges to the American economy and consumer, we have failed to take the steps that are necessary to address this problem either in the short term or the long term. Unfortunately, the legislation we are considering today would do little to change that.

The legislation before us today would do little if anything to reduce oil prices. Blaming investors misses the primary cause of high fuel prices: Nearly 2 years of failed congressional energy policy that has done little to increase availability of fuel resources. That is the cause, and time and time again, we have looked at legislation that tries to disrupt the market—the market that provides an opportunity for the businesses of this country to supply energy to its consumers.

This Congress has been ignoring one of the fundamental rules of economics: Supply and demand. Instituting policies that disrupt the free market does not increase supply. Worldwide supply for energy is being outpaced by a growing demand.

President Bush is doing his part by removing the Executive order that limited the drilling for oil and gas off the Outer Continental Shelf.

The majority party now wants to shift blame from this Chamber to investors, who they would have you believe are robber baron speculators. If only it were so simple. There is no nefarious fiend sitting in a dark room waxing his black mustache playing the market like a mandolin. So who is investing then? Pension funds are, for one. They are making an investment in the growing strength of energy stocks and bonds.

In Colorado, the Public Employees' Retirement Association—we refer to it as PERA—has seen oil companies as an attractive place to invest their members' money. Their 2007 investment overview listed two oil companies in their top 10 stock holdings, including their No. 1 valued stock.

Is their greater interest in investing? Sure there is. But it is primarily because short supply of oil has caused its value to increase. This would happen with any commodity in a similar situation. Conversely, when we take steps to increase supply, prices will go down.

If I remember correctly, there is a guidance principle that applies to the Public Employees' Retirement Association of Colorado that says you are going to invest members' money in that part of the stock market that is going to, in a safe way, give you the best return. Energy stocks match that criteria.

The day after President Bush lifted the Presidential moratorium on drilling on the Outer Continental Shelf, oil prices fell nearly $7 a barrel. Let me say that again. We experienced a drop of almost $7 per barrel in 24 hours because action was taken that got us closer to putting additional supply on the market. This translates into cheaper gas.

The national average price for gas yesterday was almost 5 cents less per gallon than it was before the Presidential moratorium was lifted. This shows that instead of blaming investors, we need to look for ways to increase supply. We do this by finding more sources of energy and using less.

One of the most promising sources of domestic energy is found in the West, much in my home State of Colorado. The oil shale found in Colorado, Utah, and Wyoming could yield between 800 billion to 1.8 trillion barrels of oil. This is more than the proven reserves of the entire country of Saudi Arabia and certainly enough to help drive down gas prices and bring us closer to energy independence. Making us less dependent on foreign oil. We in the United States cannot currently begin to plan how to utilize this resource because of an ill-advised moratorium.

Why aren't we taking steps to utilize this resource and cut back on the $700 billion we send overseas annually for fuel? Because the Democrats in the Senate and in the House of Representatives have prevented the Department of the Interior from even issuing the proposed regulation under which oil shale development could move forward. How do they try to correct this misguided policy? By blaming investors and proposing a piece of legislation that will potentially make things worse by increasing oil market volatility and eliminating investment opportunities.

I support some CFTC reform, such as providing them resources to improve current oversight and get more cops on the beat. I do, however, have major concerns with efforts that would impede the free market with additional regulations. This is especially important now that financial markets are global in scale. Attempts to regulate the market would only apply in the United States. This could cause economic activity to move offshore and help build foreign capital markets that compete against the United States, making us less competitive. This would cause us to lose jobs.

Instead of focusing on blame, we should be focusing on our resources, finding more domestic resources, such as oil shale and using less through conservation. We need more supply and less demand. As we move forward in this debate I hope the Senate will accept amendments, like the ones I hope to offer, that will do just that.

Thank you, and I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I rise to join the sentiments of my colleagues from Georgia and Colorado who have spoken about the importance we must place as a nation on implementing an effective and meaningful energy policy in this country as quickly as possible. The United States is far too dependent in our energy policy on petroleum, and we are far too dependent in terms of the petroleum which we utilize from foreign sources.

We need to diversify our energy policy, and we need to do it quickly. By that what I mean is that while we are seeking to become less dependent on petroleum, we must aggressively develop and produce our own sources of petroleum to help stabilize and control the increasing and spiraling cost of oil. We also need to look at alternative and renewable fuels. We need to strongly move into nuclear power. We need to work on conservation aggressively. It is estimated that as much as 30 percent of the world's consumption of energy could be reduced through effective conservation measures. That is another huge source of energy—simply not consuming.

Yet as we have all of these alternatives and options out there, we are faced today with a bill in the Senate and a process to handle this bill that severely limits our ability to evaluate and, hopefully, adopt meaningful alternatives and to establish a sensible comprehensive national energy policy.

The bill we have before us today has one item in it, and that is a regulatory change, or governance, of the futures markets, often called the speculation bill. Certainly—and I will talk about it in a moment—certainly, we can debate whether there is a need for increased regulatory support and for evaluation and oversight and management of our futures markets. I believe there is room for that, though I believe the bill that is before us is not well written. However, while we are doing so, we ought to also take this opportunity—and Americans should be glad an energy issue is on the floor of the Senate, but we ought to take this opportunity, with a bill on the floor of the Senate, to look at the other ideas about how we should achieve energy independence. The circumstances we face now threaten not only our economic security but our national security, and Americans should cry out for this Congress to take solid comprehensive action now, not to simply face one issue that arguably is not even at the core of the need for the solutions.

The Senate ought to work the way it has worked in the past. Let me give a couple of examples. Bill after bill after bill, the way this Senate has historically worked, was brought to the floor, amendments were filed, a robust debate

was held on the amendments, votes were taken on many of the amendments, and at the end of the process, after the Senate worked its will, the bill moved forward for final passage.

In 2005, when we were considering energy policy, that is exactly what happened. In the Energy Policy Act of 2005, there were 235 amendments proposed to the bill. Of that 235 amendments, after the process worked its way, 57 were adopted. There were 19 rollcall votes on amendments, and it took 10 days for the Senate to complete this action.

Last year, as the Senate considered the Energy Independence and Security Act of 2007, again, there were 331 amendments filed, 49 of which were adopted. We had 16 rollcall votes on amendments, and it took 15 days on the floor, but the Senate worked its will and the ideas of Americans from all perspectives were able to be brought forward and debated on the floor of the Senate.

What are we faced with now, as gas prices are over $4 per gallon in this country? A bill that brings forth one solution; namely, to regulate the futures markets, and then offers one other vote to the Republicans as an alternative. That is a far cry from the robust, full debate on policy this issue deserves in this Senate.

Now, those who have brought forth the bill with regard to speculation argue that with a bill dealing with speculation alone, it could reduce the price of gasoline by 20 to 50 percent. The reality is the academics and the economists state it is not speculation; instead, it is supply and demand. Warren Buffett, for example, says:

> It is not speculation, it is supply and demand. . . .We don't have excess capacity in the world anymore, and that's what you're seeing in oil prices.

Walter Lukken, the Chairman of the Commodity Futures Trading Commission—the Commission that monitors these issues—says: ''We haven't evidence that speculators are broadly driving these prices.''

The International Energy Agency states:

> There is little evidence that large investment flows into the futures market are causing an imbalance between supply and demand and are therefore contributing to high oil prices. . . .Blaming speculation is an easy solution which avoids taking the necessary steps to improve supply-side access and investment or to implement measures to improve energy efficiency.

The Chairman of the Fed, Ben Bernanke says:

> If financial speculation were pushing prices above the level consistent with the fundamentals of supply and demand, we would expect inventories of crude oil and petroleum products to increase as supply rose and demand fell. But, in fact, available data on oil inventories shows notable declines over the past year.

The point is the experts are making it clear to us that although we do need to aggressively improve the capacity of our country to conduct oversight and evaluation of our futures market to be sure manipulation is not occurring, the current situation is most likely not being driven by that speculation. That is exactly what the President's working group said to us in the letter that was sent to Senator CHAMBLISS today.

I will quote that again:

> To date, the President's working group—

That again is the Secretary of the Treasury, the Chairman of the Federal Reserve System, the U.S. Securities and Exchange Commission, and the Commodity Futures Trading Commission Chairmen—

> To date, the President's working group has not found evidence to suggest that high crude oil prices over the long term are a direct result of speculation or systematic market manipulation by traders.

The fact is supply in the world has leveled off and some fear will begin declining and demand in the world has skyrocketed. As a result, those who invest in the futures market for oil are speculating it is going to go up. If we want to address the issue, we will address supply and demand issues.

Now, those of us who want to see the United States more aggressively engage in its own production are often told: Well, there is already 68 million acres of Federal land that is open for production. Let's force those lands to be where we produce and we would not then have to go look elsewhere.

Well, the fallacy in that argument is that 85 percent of the lower 48 Outer Continental Shelf and 83 percent of the onshore Federal, nonpark, nonwilderness lands are off limits for exploration and production, and of that 68 million acres that is talked about, not every acre the United States puts up for exploration yields oil. In fact, the percentage for onshore leases is only about 10 percent which actually ends up ultimately being productive for oil. If you go into the offshore, the success rate is a little higher—about 33 percent—and the deep water offshore is at about 20 percent.

My point is, these acreages that are being talked about that have been leased for exploration and potential production are not all going to be producing oil. In fact, the large majority of them will not produce oil. Those that are capable of successfully being put into production are aggressively being pursued. In fact, the law today requires that if they are not pursued and put into production, then the leases are lost.

So for those who want to avoid the United States getting more aggressive in its own production to say: Well, we have 68 million acres, so let's go there, are missing the point. The point is, there is a tremendous amount of oil in the U.S. reserves that we could utilize to defend and protect the security of our economy and our Nation.

Here are a couple examples: 14 billion barrels are available on the Atlantic and Pacific Outer Continental Shelf. What does that mean, 14 billion barrels? That is more than all the U.S. imports from the Persian Gulf countries for the last 15 years. If you look to the oil shale reserves, right now the United States has more than three times the oil reserves than Saudi Arabia in the States of Colorado, Utah, and Wyoming—huge amounts of reserves. When you look at the reserves we have, it is about 1.8 trillion potential recoverable barrels of shale oil, which is the equivalent to hundreds of years of supply of oil at current rates of consumption. Why should the United States continue to refuse to engage in production of our own supplies, when we can do so in ways that will protect and preserve the environment and will make it possible for us to be far less dependent on foreign sources of oil?

I don't have much more time, but I think it is important for us in the Senate to recognize we truly face a crisis, and this issue should not be dealt with in a partisan manner. There are ideas across this Chamber from across this country, by many people, that range from more production to oversight and regulation of investment markets, to conservation, to electric cars and other types of efficiencies, to a number of different ideas, many of which are very helpful and can be a part of the solution. Wind and solar and other alternative and renewable fuels need to be incentivized, but we will not get there if the debate is restricted,

If the people of this country are denied the opportunity for the Senate to engage in a robust effort to develop a comprehensive national energy policy, it is my sincere hope that, as we move forward, we will be allowed to have an open amendment process, where Senators can vote their conscience on a broad array of solutions and that we can then send a strong, powerful bill to the President and a powerful message to the market.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, there is an old saying that when all is said and done, in most cases, more is actually said than done. Perhaps that applies best to this debate.

Should we resolve our energy problems and make us less dependent on the Saudis, Iraqis, and Venezuelans? Of course. Are we too dependent on foreign oil? You bet. Up to 70 percent of our oil comes from outside this country. Are we addicted to oil, as President Bush has suggested? Of course. How do you deal with the addiction to oil? Well, every 10 years, our colleagues come to the floor and say let's drill more holes, bigger holes, deeper holes.

Do you know what? The debate is all about false choices. The suggestion has been made that people on this side of the Senate Chamber don't want to produce anymore. That is absurd, and they know it. That is what we insist because that is the narrative they have created for this issue. They don't want to do what needs doing, so they want to create a series of false choices.

Let me describe the issue of drilling. Drill more. Well, I support drilling

more. I worked with several others in this Chamber to open lease 181 in the Gulf of Mexico. I was one of four Senators who began that process. There is 8.3 million acres in the Gulf of Mexico that has been open for 2 years. There is no oil activity on it right now, despite the fact there are proven reserves of oil and natural gas.

This is a map of Alaska, and this is the National Petroleum Reserve Alaska, NPRA. This happens to be 23 million acres, 20 million of which aren't even leased yet. But they are all open for production. We supported that. Here is a place you can drill. There is more oil here than there is in Arctic National Wildlife Refuge, which has become the hood ornament for their argument. So why aren't we drilling in the NPRA? It is open.

Many Republicans say that Democrats don't support drilling. In my home State, we have the Bakken shale, a seam 10,000 feet down. We have 75 drilling rigs producing oil, drilling for oil in the Bakken shale, just in western North Dakota. There is similar activity in eastern Montana. A U.S. Geological Survey finished the assessment, and it is the largest contiguous assessment in the history of the lower 48 States. They released that 3 months ago at my request. There are up to 3.65 billion barrels of recoverable oil. We are drilling there right now. Don't tell me we are not for drilling. I am for more drilling. I am for much more conservation, energy efficiency, and renewable energy production. I am for all those things, but it seems to me you ought to do first things first.

We have a broken market called the oil futures market. It is a commodities market with which producers and consumers can hedge risks of a physical commodity, but it is now broken. It was created in 1936. The law that creates it has a provision called ''excess speculation,'' because they were worried about excess speculation. When Franklin Delano Roosevelt signed the bill creating the oil futures market, he warned about excess speculation. Well, here we are. The speculators have taken over this market. If you wonder if that is the case, I will show you the result of a House of Representatives investigation. In 2000, 37 percent of the trades on the oil futures market were speculators. Now in 2008, it is 71 percent. They have completely taken over that market.

To my colleagues who say ''supply and demand''—and said:

. . . I wonder, why do people think that the American people are so dumb they don't understand supply and demand?

He misunderstands. The American people aren't dumb at all. They get it. They are sick and tired of driving to the gas pump and paying these prices. They are sick and tired of seeing the price of oil double in one year, and then they look at supply and demand and realize nothing has happened in supply and demand to justify it—nothing.

I have asked the question: Will someone come to the floor of the Senate and describe to me what happened in supply and demand that justifies a doubling of the price of oil and gas in a year? They never do because they can't. The Secretary of Energy can't. The head of the Commodity Futures Trading Commission can't. Despite the fact both of them repeatedly have said what is happening with the price of oil and gas is the fundamentals of supply and demand. Oh, really? Where? Describe it to me. Nothing has happened in the fundamentals of supply and demand that justifies doubling the price in the last year. What has happened is brain dead regulators, who are supposed to be wearing the striped shirts, the referees that are supposed to call the fouls, have sat back and said: Do whatever you want to do, have a good time, have a party, a carnival.

Speculators have taken over the market. There is a very important reason to have a futures market. It is to allow legitimate hedging of risk between producers and consumers of a physical product. This market became something much different than that. The regulators have said we will issue no-action letters so we don't have that to see. We are willfully blind and deaf and don't care very much what is going on. I know they will deny that, but that is the fact.

So you have a regulatory body that doesn't regulate, a market that is broken, and then we have folks waltz in here and thumb their suspenders and say: You know, we cannot be talking about speculation because there is no speculation. We have had testimony before our committees by some pretty good people who say that as much as 20, 30, up to 40 percent of the current price is due to rampant, relentless speculation.

Let me describe it from the standpoint of Mr. Fadel Gheit. I have talked to him by phone. He testified before the committee. This is a man who worked, for 30 to 35 years, as a top energy analyst for Oppenheimer & Company. He said this last fall:

There is absolutely no shortage of oil. I am convinced that oil prices should not be a dime above $55 a barrel.

I call it the world's largest gambling hall. It's open 24/7 and totally unregulated. It is like a highway with no cops and no speed limit, and everybody is going 120 miles an hour.

So we bring a bill to the Senate that says let's establish a distinction between those who are legitimately hedging—that is trading for legitimate hedging purposes and all others. All the others will be subject to strong position limits to try to wring the speculation out of the system. It is a reasonable thing to do, in my judgment.

My colleagues come to the floor of the Senate and say: No, let's go for more drilling. That is their narrative. I say, OK, let's do drilling. How about in the National Petroleum Reserve? We set aside 23 million acres there, and only 3 million have been leased. Let's do that. In lease 181, there are 8.3 million acres available. There is plenty available if you want to do drilling. Even as we do that, how about helping us get rid of the speculation in the marketplace and restore this market to what it was intended to do. Do you choose to stand on the side, when somebody says whose side are you on? They say: Let us think about that. We are going to be on the side of the oil speculators. Really? Or I am going to be on the side of those who don't want us to become less dependent upon the Saudis. It is fine if $500 billion, $600 billion or $700 billion a year is sent outside our country in pursuit of oil. That is OK. That will not weaken our country.

We all know better than that. We don't need an overnight epiphany to understand what is happening to our country. These relentless price increases and the unbelievable dependence we have on foreign sources of oil are injuring this country. Every consumer in this country is damaged almost every day. Which airline next will declare bankruptcy or liquidate? How many trucking companies aren't in business anymore? Ask farmers what it is going to cost when they try to fill their tanks with a load of fuel. Then can you conclude this doesn't matter? You cannot conclude that. We ought to be here debating what to do. It ought to be obvious. I have said before, if you are running the high hurdles, you have to decide to jump the first hurdle in front of you. The first hurdle, it seems to me, is to address this relentless speculation and put downward pressure on gas and oil, on prices.

Let me describe what our Energy Information Administration said. They said there is no question about speculation. The only way you can conclude this is not speculation is to look at this chart and not see it. On this chart, here is the price of oil. It is kind of like a Roman candle on the Fourth of July. Here is what our Energy Information Administration told us. We spend about $100 million a year for this agency, which has the best and the brightest, to evaluate supply and demand and come up with this. I put this chart together because I want everybody to see how wrong they have been and conclude why.

Take November of last year. They said this would happen to the price of oil. Then, in January of last year, they said the line will look like this. In March of this year, they said it is going to look like this. You can go back to May of last year, a year ago. Obviously, this isn't where the price went. It went up like this. Is that because the people estimating it were stupid, maybe didn't sleep well, didn't finish school, or had no common sense? That is not why. They didn't understand this is not about supply and demand any longer.

This is about a speculative binge that is driving up the price of oil in a manner that is completely disconnected

with supply and demand. I understand we have people talking about that, and I understand the world is changing. I understand the Chinese want to drive cars and people from India want to drive automobiles. I understand there will be maybe 300 million, 400 million, to 500 million more cars on the road 10, 20, 30 years from now. I understand that. But that hasn't changed significantly in the last 12 months. There is nothing that changed with the estimate of future demands in the last 12 months that justifies this line.

That is why we bring a bill to the floor of the Senate that says let's at least agree, on a bipartisan basis, to do first things first. Then you say, well, we need to support drilling, conservation, energy efficiency, and more renewables. You bet your life—although, I would say many of those who have spoken on the other side are not quite so enthusiastic about the other side of energy that is renewables and conservation and energy efficiency.

We have many airlines in this country. Obviously, that industry is one of the heaviest users of jet fuel. We have had seven bankruptcies recently. They have said it means thousands less jobs. Normal market forces are being amplified by poorly regulated market speculation. The Nation needs to pull together to reform the oil markets and solve this growing problem. That is from the airline industry. You probably saw the newspaper yesterday—and this is not unusual—''Jet Fuel Costs Push Midwest Air to End Flights to 11 Cities.'' It is happening across the country. I would understand this if, in fact, this was a circumstance where supply and demand had changed in a radical way, and we would decide in this country that, you know what, we have to confront supply and demand. We have to do that in the longer term. But that is not what this is about.

I said earlier today, in my judgment, the drill now—and I am for drilling now, so let me be clear—the drill now mantra is a yesterday forever strategy. It is good that every 10 years they come to the floor and say the solution to our energy issues is to drill now. If yesterday forever is comfortable for you, good for you. I don't think it is a good policy. I think we need to use this circumstance at this intersection and say we are going to fundamentally change America's energy future. We can do that. John F. Kennedy didn't wake up one day and say: I am going to give a speech and say I think America is going to put a person on the Moon, or I hope that perhaps someday we can put a person on the Moon. He could have said we are going to try to see if we can get someone to walk on the Moon. That is not what he said. John F. Kennedy said:

By the end of this decade, we are going to have a man walking on the Moon.

He just declared it. That is our goal, what we are going to do. This would be an awfully important intersection for us to decide, after we take care of this excessive speculation to set the market right, that we should do a lot of things—and conservation is the cheapest and most obvious option. The other thing we ought to do is do some change. We ought to decide that in the next 10 years we are heading toward hydrogen fuel cell vehicles. Maybe between now and then, we will move quickly toward electric-drive vehicles. We are going to have a completely different future with substantial new wind energy, solar energy, and geothermal energy development. We are going to build a superhighway transmission system, just as President Dwight Eisenhower did with the interstate system. That way we can use the wind belt from Texas to North Dakota and the Sunbelt across the Southwest can displace significant portions that we currently get from fossil fuels for electricity. We can do all of that, but only if we start pulling together as a country.

I have watched this debate this afternoon. It is the most disappointing debate because we have people coming to the floor of the Senate who are the ''just say no'' crowd. Just say no. No matter the question, just say no and then develop some little narrative that allows you to say no and make people think you are saying yes.

How about this issue? The market is broken. It has resulted in the doubling of oil and gas prices in the past year, and there is no justification in fundamentals of supply and demand to make that happen. How about having us pull together and say: Let's fix the broken market and put downward pressure on oil and gas prices. Don't use something else as an excuse. When you talk about something else, I am going to say: I am with you on that; I think we ought to do a lot of everything. Don't use that as an excuse to do nothing here, but let's at least do first things first.

There is plenty of reason for the American people to be disappointed in what they hear from their Government. It is so frustrating to be here and understand what needs to be done and yet does not get done because we have people who believe they were born to be a set of human brake pads and stop everything at all times.

On a number of occasions, I have described on the floor what we have done. Think for a moment. We split the atom. We spliced genes. We cloned animals. We invented plastics. We invented radar. We invented the silicone chip. We invented the telephone, the computer, and television. We decided to build an airplane and learn to fly it. We build rockets. We walked on the Moon. We cured smallpox. We cured polio.

It is unbelievable what this country accomplishes. Yet, somehow we decide what we should do is continue a strategy of being dependent, for 60 or 70 percent of the oil we need to run America's economy, certain oil producing countries like Saudi Arabia, Kuwait, Iraq, and Venezuela. I am sorry, I think that policy is nuts.

This country needs to mobilize and pull together. This is not about Republicans or Democrats. It is about a game-changing strategy that says: Here is where we have been, and right now, we can't go there in the future. We need a different kind of energy future.

My point is just to do first things first. The first thing on the floor of the Senate is about speculation. Mr. President, 47 Members of the other side have indicated in one form or another, through one comment or another, in their home state or here in the Senate, that speculation is a part of the problem. If that is true, and I believe every Member on this side of the Chamber believes that, that ought to add up to 97 Senators. I don't know who the three others are who apparently have not voiced an opinion, but we ought to be able to pass legislation that fixes a broken futures market.

Just as quickly, we ought to be able to agree on a wide range of other issues. Yes, we should include some drilling in areas that are open and not being drilled on. We should also look more aggressively at conservation and energy efficiency and make a dramatic change to renewable energy in the longer term. We ought to be able to do that. The American people should expect that of us, and we ought to be able to meet that expectation.

I know others are going to come to speak this evening.

Just so the American people understand, we agreed to a cloture motion on a motion to proceed. That means we voted to shut off debate, not on this legislation but on whether we should proceed to the legislation. So we had that vote, and now the minority is saying to us: No, you cannot proceed to the bill; you need to speak for 30 hours.

There is a 30-hour requirement. Usually, it is waived back, but in recent times, on everything, it has been required. So now, for the next 30 hours, we will have people obfuscate; thumb their suspenders; wear blue suits on the Senate floor; and talk about this, that, and the other. We are not making progress because the minority is saying we have to spend 30 hours before we can even get to the bill of which I have been speaking. It is an unbelievable procedure. In most cases, cooperation would simply suggest that we work together. Unfortunately, there is a big, growing problem that is hurting this country. Yet if we work together and find a way to fix it, then it makes a lot of sense to me.

I am someone who is respectful of other opinions, but in this case, I think there is a mountain of evidence that should lead us to fix this market and put some downward pressure on oil and gas prices. Following that, we can, in a matter of days, it seems to me, work on a wide range of other issues that deal with all of the issues I just described. We can put America in a much better place if we decide to do that.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to speak on the Energy bill that is on the floor today. This is a great debate, it is a needed debate, and one that is happening every day across our country, in every community and at every gas station and coffee shop—as to how to get these energy prices down and what we need to do to get these energy prices down. So I am delighted we are getting the chance to talk about it on the floor.

I think people across the country are absolutely, there is no question about it, completely fed up. They are tired of it. It has hit them directly and it has hit them hard. It is making people change lifestyles or even do without essentials simply to be able to get to and from work or to and from appointments, schools, and hospitals. This is a big, huge problem that Americans are facing daily and that we need to address and that we need to solve and we need to deal with.

Unfortunately, this base bill does not go to the heart of the question. I am delighted we are having a chance to talk about it, but I wish we would go to the heart of the question of what we need to do, which is to produce more, to create more options for people across the United States, and to conserve.

A fact that I think people are recognizing, but one we don't talk nearly as much about, is the huge transfer of wealth that is taking place from this country to other places. This year alone, importing a million barrels of oil less per day in the first 5 months of this year would have reduced the year-to-date trade deficit by more than $14 billion. If we had imported a million barrels of oil less a day, we could have reduced that trade deficit by $14 billion. It would have increased our GDP and increased domestic employment and certainly had some impact on prices. That is something we don't talk about as much, but it is a big part of the equation as well.

Obviously, we need more domestic energy production. We are witnessing this massive transfer of wealth because we don't have adequate domestic energy production. Every year, to buy oil, America sends well in excess of half a trillion dollars to foreign countries. In fact, in 1972, Saudi Arabia's foreign exchange earnings were about $2.7 billion. That was in 1972. In 2006, it was over $200 billion. Clearly, we are having a huge transfer of wealth. And where is that wealth coming from? It is coming from people pulling up to gas stations and filling up their pickups; diesel fuel consumption. It is coming from the American consumer, and it should be going back into Americans' pockets instead of going overseas. So we are seeing too much of that taking place right now.

We have some options, and different people have talked about different ones, but I want to highlight several that I think are key for us to be looking at for our future in producing more. One is the oil shale regions of Wyoming, Utah, and Colorado. I have a quick picture of this. I think some people, hopefully, have seen this.

Here is an area that has been frozen out of production by law that could be brought into production. It has huge reserves in it—500 billion or more potential—and it is being held off the market. So while we transfer billions and trillions of dollars of wealth to regions of the world—and in many cases they don't like us—we are holding off production of areas in the United States that we could produce from in an environmentally sound way. We have huge reserves here, and that makes no sense to most people across my State of Kansas as to why you would do that. What is the purpose here? We can do this in an environmentally sound way. We can do it with American technology and know-how, and we need to get that done.

Another thing we need to do, particularly from my vantagepoint, coming from the Midwest, is to do more with biofuels. A recent study from Merrill Lynch found that the world's use of biofuels has kept oil prices 15 percent lower than they would be without these alternative fuels—15 percent lower. So you are looking at 60 cents a gallon of that $4 gasoline that is being held lower because we have biofuels. That is something we need to continue to do more of.

We are producing ethanol plants throughout the Midwest and throughout the country. We are moving into cellulosic ethanol, and we have the first four of those plants coming on line. It is an innovative technology of taking, in many cases, what we would refer to as agricultural waste and turning it into ethanol. That is a key part of our growing and our marketplace that we can utilize.

I think we also need to look at other fuel sources, such as methanol and biodiesel. Earlier today, a tripartisan group of my colleagues and I introduced a bill that would require 50 percent of the new cars made in the United States, or sold in the United States by 2012, to be flex-fuel vehicles. These are vehicles that you can pull up to a gas pump and put gasoline, ethanol, methanol, or any combination of those three into the car. This is a goal the big three auto manufacturers in the United States say they can achieve—50 percent by 2012—and then we up it to 80 percent 3 years later, adding a 10-percent increase of the new cars that have to have that option of the flex fuel.

Now, if you were to take that situation today, what that creates, instead of having a monopoly of dependence on oil, you have an option and a competition, which is going to reduce price. You can pull up at the pump and say: Okay, I want to put in E–85 ethanol—85 percent ethanol and 15 percent gasoline. What is the price on ethanol today? Versus: Okay, let's see what it is on gasoline versus methanol. What is it I can get here? The car or the pickup can read any of the fuels. This is a technology that is estimated to cost about $100 per car to put it in but is priceless in creating options and competition for the fuel sources in the United States.

Somebody asked me at the press conference that Senators LIEBERMAN and SALAZAR and I held on this: Well, isn't this going to hurt plug-in technology or plug-in cars? I said: It is my estimation and hope that in the future you are going to be able to buy a plug-in hybrid flex-fuel car that you plug in at night, go the 20 miles on electricity—it is a hybrid, so it recharges and uses that electricity whenever it can in the vehicle—and then it is a flex-fuel vehicle, so you can use ethanol, methanol, gasoline, or any combination thereof. That creates that competition on fuel sources, whether it is electricity, ethanol, methanol, or gasoline, and we will reduce price. These are things we need to do to move forward and get off of our reliance on foreign oil and the addiction we have to foreign oil.

We also need to innovate. I am going to show a chart here of what I thought was a very innovative project in the western part of my State that is still on the drawing boards. It has been blocked to date, but it is an integrated bioenergy center near Holcomb, KS. It was going to use coal-fired technology to produce electricity. They were going to take their CO_2 emissions and run them through an algae reactor. They were projecting they would reduce 40 percent of the CO_2 emissions, running it through the algae, and then taking the algae and making it into biodiesel. So you have this integrated center where you have this sort of biodiesel and algae reactor fuel as well associated with it because of the heat production, and the use of that and the ethanol plant where you can get these integrated systems together. At the end of the day, you reduce your CO_2 emissions, increase your fuel production, and it would be good for the economy. So you are balancing the economy, energy, and the ecology of the environment. You get the three Es balanced together and moving forward in an innovative made-in-America type of plant.

Those are the sorts of innovative solutions that we need to move forward with and to discuss in this debate so that we create a competition. We need to create options, we need to produce more supply, and by producing more supply, we are going to reduce price in this price point. And by producing

more supply in the United States, we are going to stop the transfer of wealth to the degree that we have seen taking place from the United States, out of our pocketbooks, and into, unfortunately, the pockets of our competitors, who, in many cases, don't like us.

I am the ranking member on a subcommittee that has held hearings on this particular bill, and that is the Appropriations subcommittee that funds the Commodity Futures Trading Commission. We have looked at these issues. And while we are having an important debate here—I think it is a good discussion—I think the hearings we have held have been very positive in reflecting on how much money has been coming into a number of places in the futures market. Yet if we are going to get the answer to the basic question here of trying to reduce price, the clear way is to deal with the supply-and-demand equation—increasing supply and reducing demand—and not just saying: Okay, it is all because of speculation that these prices are going up.

I do believe it would be wise for us to limit pension funds, the amount pension funds can put in the commodities market, but primarily as a feature of how you help the pension funds, because commodity markets are inherently volatile, moving wildly at various times, and it seems not to be a wise place to put large amounts of pension funds. But this bill goes far beyond that, to the point that the Kansas City Board of Trade—it is on the Missouri side of Kansas City, but a number of people working there live in Kansas—is strongly opposed to this and thinks it will hurt the commodity futures market rather than help it. You are going to hurt the price discovery mechanism, and you may well, in the long term, end up driving up prices through these features. They have been in my office previously drawing attention to outside funds coming in and saying this is something that ought to be looked at, but when they look at this answer, they are saying it is way over the top. It doesn't fit the need that we have of the day.

I wish to make the point on where we need to limit the pensions funds in the commodity futures market. As public pension funds have grown in size and expanded their investment portfolios beyond traditional equity and bond investment activities, significant losses by some major pension funds have led to greater calls for scrutiny and investigation.

For example, the San Diego County pension fund lost about half of its $175 million investment in a hedge fund when the fund crashed due to what turned out to be a disastrous bet on natural gas, getting into a commodity market. All told, approximately 20 percent of the pension fund's assets are invested in alternative strategies through hedge funds and other money managers.

That is my point here. I think the right place to look is a limitation on the total amount of monies that can be put in hedge funds, into the commodities futures markets, to protect the pension funds, rather than saying this is the silver bullet that is going to cure the increase in energy prices that we have.

Mr. President, I thank my colleagues for the chance to be able to speak on this bill. My colleague from Alaska, whose State is absolutely critical to expanding our energy supply, is here to speak further about the need for production.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity this evening to bring to light some of the comments that have been made on this floor earlier about what is happening with existing leases across the country, the oil and gas leases that exist, and whether the oil companies are sitting on these leases—whether they are producing energy. I will try to assess what we are talking about when we look at the leasing status of the oil and gas opportunities around the country.

Some have suggested that perhaps the oil and gas companies are sitting on these leases, that they are not producing energy, in an effort to drive up the prices of oil and gas. I suppose that is a creative theory but, honestly, it is one that has so many holes in it, it is like installing a screen door on a submarine. It is bound to sink.

At best, the charge is based on a review of what I consider to be incomplete data viewed through a prism of little actual knowledge of the difficulties of producing energy from any individual tract. At worst, the charge is a smokescreen to cover up the opposition to the production of more oil and natural gas from where it is likely to be found, and not necessarily from those areas where the opponents want it to be located.

Currently, of the 45 million acres onshore in the United States under oil and gas lease, about 10.5 million acres are producing energy, with the remaining 34.5 million acres not yet in production. Offshore, of the 49.3 million acres under lease, about 15.2 million acres are producing. These are statistics on which I think we are all in agreement. These are the known leases out there.

What that means is, of the Nation's current 67,700 oil and gas leases, about 30,000, or 44 percent, are producing oil and gas at this time.

I can understand how, at face value, you look at that and say that doesn't look like a very good track record, only 44 percent producing. The numbers make it seem as if there are lots of leases that the industry is simply not moving on. But I think we need to look at those leases and say: What is the situation? What are the facts on the ground?

Let's take a closer look at these inactive leases.

This is just the onshore leases. If you look at the 34.5 million acres, of those, 3.2 million acres are suspended while review problems are being worked out. You have 1.1 million acres that are tied up in the development of land use plans. You have 760,000 acres that are blocked from any development by active and ongoing court litigation. You have 645,000 acres that are waiting the completion of legally required environmental impact statements. You have about 450,000 acres that are awaiting revisions of their EISs after reviews, and you have 500,000 acres that are tied up in the production-permitting process.

Walking through the numbers, when we are talking about inactive, what does ''inactive'' mean? If you look at the status of many of these, you see there are a multitude of reasons they are not producing: litigation, permitting process, land use plans, other acreage is on hold until companies can find and lease drilling rigs, and then all of the other exploratory equipment that they need to go into these exploratory wells. This is not an easy proposition, given the level of activity in the oil and gas patch right now.

I can tell you for a fact that it is extremely difficult to get the drilling rigs, the exploratory rigs, that we need, and there is a wait for those. Even more acres already have been explored, but they are awaiting confirmatory or additional exploratory wells to determine whether the hydrocarbon find is large enough to be economical to produce. Just because you find a little bit doesn't mean that it is going to be economical to produce. You have other tracts that are waiting for infrastructure to be built to get their oil or gas to market.

You have heard me say on the Senate floor many times, we have incredible natural gas supplies on the North Slope, all in the northern part of Alaska, but we do not have the infrastructure to get that gas to market.

In other cases, complex coordination is needed among a host of differing lease holders to determine the future for new energy provinces that haven't yet been finished. Then, of course, you have some of the tracts that have either demonstrated very disappointing initial shows of the hydrocarbons or they are just too small to be economically produced without production from nearby tracts that have more oil.

The overwhelming number of the tracts, the lease tracts that exist out there, simply do not hold any hydrocarbons that anyone has been able to find. Companies may not yet have had enough time to return them to the Government. I have had conversations with some who, it seems, believe that because an oil company has paid good money for a lease there must be oil and gas there. The truth is, while some of these prelease reviews of the tracts are conducted so some of the companies are not exactly bidding blind, the level of presale review is not sufficient for

the companies to have a clear vision of whether there is going to be sufficient oil and gas to be found there. About two-thirds of the time it is not, it is not sufficient, and the companies drill their infamous dry wells.

As you can see, it is not simply as easy as saying there are 34 million acres that are not producing oil. The examples I have given you are as they relate to onshore. The same is true for offshore exploration. We have to recognize that production just doesn't start once the lease bid has been won. We certainly know that in Alaska. The complication of lawsuits, the regulatory compliance, the current shortages we are seeing of labor, of equipment, of infrastructure—they are ignored by charges of energy lease warehousing.

Sometimes when you think about all that goes into exploration and development, it is a wonder—at least it is a wonder to me—that of the 7,700 new leases that have been issued in 2007, we have about 1,800 that have yet to be explored. The industry has obtained drilling permits for the first 5,300 of them. I look at that and say it looks as if they are doing pretty well. But it normally takes longer than a year to start the exploration. The norm is about a 2- to 5-year time period to get through the planning, get through the redtape, before you actually determine whether you have oil.

Alaska is different. As you know, our resources, our reservoirs, are quite extensive. We have been producing oil from Alaska's North Slope for the last 30 years and, in my opinion, doing a fine job of it. But we recognize that exploration and development in the Arctic is that much more challenging; it is that much more complicated. The timeframes are that much longer. It takes us about 6 to 7 years at a minimum to get to the point where we are able to determine whether there is oil to be had there.

In addition to the delays that I have mentioned, the permitting, for instance, and just the equipment issues, is the requirement that we have in place that ice roads be used to locate the drilling rigs. You just can't take your drilling rig and plunk it out there on the tundra. We have very firm and set requirements for how that exploratory activity can take place, when it can take place. The companies have to wait until the tundra is frozen. They have to wait until it is frozen before they can move the rigs to the sites. It is an extremely limited exploratory season. When you have a limited season like this, it can add years to the timetable for exploration.

I had asked our DEC, our Department of Environmental Conservation, which is the State department that makes the determination as to when the companies can actually go out onto the tundra and engage in any exploratory work out there. For the 2007–2008 exploration season, the timeframe in Alaska was December to May. This includes the time that it takes to move the equipment to the site.

Just to give an example of what we are talking about, it depends on where you are going. It is not just the beginning of December to the end of May. In the e-mail that we received from DEC, it says ''oil companies can begin regular travel across the tundra along the coast on December 28. In the upper foothills you cannot begin until January 24, and in the eastern and lower foothills''—this is where most of the activity has occurred—''you can commence on January 16 of 2008.''

They have about 4 months to do their work. They have to be off the tundra in the upper foothills on May 13, and out of everywhere else on May 16.

This is how precise it is. It is not because we are looking at a calendar, and there is some magic day. It depends on what is happening with the season, how cold it is. The rules are—and I am quoting:

> The companies can't get onto the tundra until the ground is a negative 5 degrees centigrade, 30 centimeters down—
>
> About a foot—
>
> and until there is 9 inches of snowcover to protect the vegetation.

For all those who are saying you can't do this exploration in Alaska because we do not care about our environment, let me tell you we have been caring about our environment for a long time. We put these parameters in place because we do care about the ecosystem. We do care about the condition of the tundra. We do want you to have an ice bridge that you move this heavy equipment across during the winter months and that is removed right after you have done the exploration. Then when the spring comes, and the summer, and the thaw happens, there is no mark to the tundra because your road has melted. We leave no impact.

But when you think about how you do business in any other field—if you are a construction company, you know what your construction season is. If you are a fisherman, you know what your fishing season is. The oil and gas industry in Alaska, they know that their exploratory season is very limited. Essentially we are talking about 60 to 90 days a year.

In the National Petroleum Reserve—I will put up the map just so people can understand what we are talking about in terms of the geography. This is the ANWR area. This is State lands. This is our Trans-Alaska Pipeline, which is carrying the existing oil from the Prudhoe Bay fields down to the southern part of the State. This is the National Petroleum Reserve.

In the NPRA, waiting for these frozen conditions to allow for exploration again means that the companies have between 60 to 90 days during which actual drilling can take place. The leases on the North Slope, then—put it in context—are available for drilling activity between somewhere about 15 percent to 25 percent of the year.

You put that in context with most any other industry and you would say you can't just operate only 15 percent of the year. Your costs must be incredible. Yes, costs are incredible up there. A single drill rig can only drill at most two exploration wells per year, and part of this is just how we move the equipment. The ice for making the roads, the weather issues, the fuel, and the logistics—all these account for about 75 percent of the costs for exploration. The actual drilling actually accounts for about 25 percent of the costs.

For all of these various reasons, in the NPRA, the oil and gas industry has only been able to drill 28 exploratory wells since the year 2000.

This is out of the hundreds of leased tracts. So far, the area in which they have found some prospective tracts is in the Greater Mooses Tooth Unit, but unfortunately, given how far these small amounts of oil are from the existing nearest infrastructure, which is the Alpine Oilfield, production is anticipated to still be quite far away.

Again, to put it in context, this red line here is our existing pipeline going down to Valdez, but you have pipeline infrastructure up here on the coast. The Alpine field extends to here, and the Mooses Tooth area is right in this region here. But it is 80 to 100 miles to connect from some of these more prospective finds to the existing infrastructure. On the other hand, it is about 25 miles between the end of the pipeline here and the 1002 area in ANWR where we are seeking to have an opportunity to explore and drill.

I think what I want to leave folks with this evening is keeping in mind that not all leases are equally prospective. We know you have some elephant finds; Prudhoe was an elephant find. We believe the ANWR will also be an elephant field. But we know that for every big find you have out there, there are just as many, if not more, dry holes. There are leases where the companies spend billions of dollars to buy, as they have this past year in the Gulf of Mexico and in the Chukchi Sea over here. There, the geology is very favorable for oil and gas discoveries. But mostly companies buy usually a minimum lease, and the cost is a couple of million dollars per tract, and they are really very marginal. Those are the leases that likely do not contain the oil and gas that are still awaiting exploration.

We look at how the oil companies are making their investment because certainly from Alaska's perspective, we want to know whether they are investing in oil and gas opportunities up north. This last year, the top 25 oil and gas companies in the United States invested $1.15 trillion on exploration and production, the top 5 companies spent $765 billion on exploration from 1992 to 2006, and in both instances industry members invested more than they earned back in profits.

Now, in part, this is because this country has not been putting its most prospective tracts for oil and gas discoveries up for lease. You have some

777 million acres of lands onshore that are off limits to oil and gas production. That is about 62 percent of the Nation's likely oil and gas potential.

To bring it back to Alaska, think of ANWR, the place where the largest onshore deposit of oil is likely to be found in America. There is a 95-percent chance that 5.7 billion barrels will be found, a 5-percent chance that there will be 16 billion barrels, and the mean estimate is about 10 billion barrels of recoverable oil. And it is off limits. It is off limits.

Offshore, 1.76 billion acres of our coastline are off limits to development. This is an area which is believed to hold approximately 80 billion barrels of oil.

So in kind of wrapping up my comments here this evening about the leases, I wish to remind folks that when they talk about the ''use it or lose it'' rationale or direction they feel we should take, they need to remember that these oil and gas leases around the country already expire after 10 years. Only in Alaska can companies seek an additional 10-year extension to bring the leases into production. This is a right we had granted companies in the Energy Policy Act of 2005, and we did it for the reasons I have outlined for you tonight, because we recognized that environmentally sound exploration was, in many cases, taking longer than 10 years. I do not think there are any of you out there who are going to suggest that, well, we do not want to do it in an environmentally sound manner. Well, if we are going to do it right and we are going to protect the environment, it might take us a little bit longer in a place such as Alaska where you are only able to explore and engage in exploratory and production activity for 15 to 25 percent of the year.

You have to ask the question, Why should companies spend money on new leases in an area where they can easily be delayed from bringing oil and gas online and then lose all of their investment through no fault of their own? Companies also have no reason to delay producing oil. Each year, they pay between $1 and $5 onshore and $6.25 and $9.50 an acre offshore to keep their leases in effect. So in order to hold their leases, they have to be paying.

Think about what they have already kind of put in place, if you will. They have purchased the lease up front, and for many of the leases, they are extremely expensive in terms of the outlays the company has to make. Then they engage in the pre-exploratory efforts.

I keep mentioning NPRA and the cost we are seeing there. It is anywhere between $50 and $100 million to drill an exploratory well in the NPRA area—$50 to $100 million to drill. And then what happens if you drill and there is nothing there? Well, you get to give it back, but you do not get anything from the Federal Treasury when you give it back. These are costs you have as a company. So there is a very powerful incentive for companies to see the development of any lease acres they believe have the potential they are looking for, a powerful incentive for companies to speed development of the 68 million acres that some argue is not being developed quickly enough.

We have a ''use it or lose it'' law in place. It is a situation of enforcing it, and we do enforce it. There is no reason, in my mind, that we need to do more in this area at this time.

I know I have gone over my time. I had hoped to be able to have a little discussion about the distinctions between the ANWR area and the NPRA area. I do not see any of my colleagues on the floor at this point in time, so with the permission of the Chair, I would like to continue, unless there is another order at hand.

The PRESIDING OFFICER. The Senator has no time limits.

Ms. MURKOWSKI. Mr. President, I wish to kind of walk people through a little bit of the distinction, if you will, with ANWR, which the American public has heard an awful lot about for the past 20 years as we have, in our effort, attempted to open this 1002 area that was set aside for exploration and development when the refuge area was established.

ANWR consists of an area that is 19.6 million acres—the size of the State of South Carolina. This map is a little bigger and helps you put it in context. This is the entire Arctic National Wildlife Refuge in the State of Alaska. It borders against Canada. And here is our pipeline coming down. This whole Arctic National Wildlife Refuge is the size of the State of South Carolina, again, about 19.6 million acres.

Also within the Refuge is a huge wilderness area, the ANWR wilderness area. It is 10.1 million acres in the Refuge itself. Nothing can happen in the wilderness area in terms of any development whatsoever. It is wilderness. We have established it as such. It will remain as such.

The area we are talking about in ANWR for development is what is known as the 1002 area, taken from the legislation itself, section 1002. What we are talking about when we ask for permission from the Congress to allow for exploration in ANWR is not permission to drill in the Refuge, not permission to explore in the wilderness, but permission to explore in the area that was set aside by Congress for the purpose of exploration and development in this 1002 area; it is 1.5 million acres in this area.

But we are not seeking to do all of the 1002 area with exploratory wells; we are asking for permission to drill in an area that would be about a 2,000-acre area. So when you kind of winnow down what we are talking about, it is really pretty minimal in context of the whole. If you take into account that the Refuge area is the size of South Carolina, this is the area we are looking to explore. And within that area, we have agreed we do not think we need more than 2,000 acres of area for disturbance.

Why do we think we can get by with that small amount? It is simply because we have advanced our technologies so far when it comes to oil and gas development in the Arctic, the technologies that allow us to drill under the surface and go out directionally up to almost 8 miles in every direction. The caribou are on top, and they do not know what is going on. You do not have disturbance to the surface. It is our technology that will allow us to extract a resource and utilize the resource and still allow for the care of the environment, for the animals that are there, for the caribou that migrate through. We want to do it right.

So this is the ANWR area I mentioned earlier. This is the existing series of pipelines that spurred off of the Trans-Alaska Pipeline built about 30 years ago. The line extends to an area about 25 miles to the border of the 1002 area. So when we are talking about access to the resource, to the infrastructure that is there, it is not too bad, 25 miles. It is still difficult given the environment, but it is certainly doable.

Let's go over here to NPRA. NPRA is 23 million acres in size, 23 million acres total; 4.4 million acres are new acres available for leasing, 3.94 of which are available immediately. These are leases in the northeast and the northwest part of NPRA. If you look at this map, it has the leases themselves. These are in the green area. The 2006 leases are in this area here, and then the new leases that are coming on are in the northeast and the northwest area of NPRA.

The crosshatched areas we see here have been put off; in other words, we have deferred these areas. This area here north of Teshekpuk Lake is now protected, 430,000 acres in this area. We have agreed to this deferral because we recognize the sensitivity of the ecosystem, the waterfowl that come through there. It is an area that we recognize should be off limits. NPRA, in terms of its prospects, the estimate is 5.9 to 13.2 billion barrels of technically recoverable oil. So the mean there is about 9.3. It is right in the same ballpark as ANWR. If you recall, I said ANWR had a mean estimate of about 10 billion barrels of oil. So it is about the same. The difference is access to the infrastructure and the geography.

Go back to this other map. If you have 10 billion barrels estimated in this small area and you have 10 billion barrels estimated in this larger area, we are talking about 1.5 million acres versus 23 million acres. It doesn't take a math genius to figure out that it is more concentrated in ANWR; 15 times more oil per acre in ANWR than NPRA. That is worth repeating: 15 times more oil per acre in ANWR than you would anticipate in the NPRA.

The other issue is access to the infrastructure. When you are looking at 25

miles from the end of the pipeline here to get to the 1002 area and recognize that you have opportunities through directional drilling so you can minimize impact to the surface, that is not too bad of a stretch. But when you are looking at your more lucrative finds in these areas, looking at, say, 150 to 200 miles of pipeline to get your resource into infrastructure, it is extremely difficult to reckon with that. That has been one of the issues we have faced. BLM is proceeding expeditiously. They have been working to advance the leasing program in the NPRA area.

It is interesting because it seems that some in the House and the Senate have just discovered NPRA. They say, well, you have all these wonderful leases over there and you have all this great opportunity. You should make that happen. It certainly does sound easy. I would like to do more to make it happen. But when you are dealing with geography, as we are, when you are dealing with environmental issues, when you are dealing with a lack of infrastructure, when you are dealing with a limited exploratory season and the extremely high cost, it is not so easy to make it happen.

Back in the 1940s, when NPRA first started leasing, 36 test wells were drilled, 45 shallow cores were drilled to find commercial oil and gas. But they didn't find any. In the 1980s, there were 28 more test wells. Seismic was conducted. In 2000, in the leasing period then, we saw 28 exploratory wells drilled and at least 12 3–D seismic efforts had been conducted, shooting the 3–D seismic in the area. But again, the only small finds that we have come upon have been in the Greater Mooses Tooth area. The problem is, to this point in time, we haven't found enough in these areas to justify a pipeline that would be 80 miles, 100 miles to connect up. That is a harsh reality. It is going to take realistically 6 to 7 years to bring NPRA tracts into production. Compare this with the 2 to 5 years in the lower 48. It takes that much longer. Compare the cost we face for exploration in NPRA. You are looking at wells that are costing somewhere between $50 and $100 million to do a single exploration well. This is compared to wells that can cost 6 to 10 times less in the lower 48.

I don't want to make excuses for Alaska, because we want to develop more. We are ready to develop more. But we recognize it does take longer for the multitude of reasons I have mentioned.

One of the things that perhaps has not been talked about and I might not have mentioned in my earlier comments when I was speaking about leases is the number of leases we actually see turned back by the companies. About 700,000 acres of awarded leases since 2000, in the NPRA area, have been turned back. If you look at this map—and I know on the screen you won't be able to see the squares—in these areas, in these areas, in these areas, in these areas, about 700,000 acres have been returned by Conoco-Phillips. This is the company that has the most experience in the area. They have already given up on 267 lease tracts in the preserves. They may well end up turning back another 407 tracts covering 2.8 million acres by the end of this year. What they are finding is a lot of natural gas, but the oil potential seems to have dimmed in areas where they are looking.

As I said, we have a lot of natural gas up there, but we don't have the infrastructure. We are working on that. The State of Alaska is working diligently. Our legislature is actually meeting in about an hour to take a significant vote on how we move forward with construction of a gas line. Again, the potential for NPRA is certainly there. We believe it is very viable. I mentioned the mean estimate of about 10 billion barrels. But the seismic evidence we are getting back seems to indicate that the likelihood for oil is diminishing, and we are seeing greater gas.

One of the things we also recognize is that the area that is viewed most prospective around Teshekpuk Lake here is the area that has been deferred from leasing for at least a decade. This was the outcome of lawsuits by environmental groups that had opposed the development in this key habitat area for waterfowl, the black brant. Our reality is that as good as NPRA is and as much as we want to see NPRA developed, it is less prospective than the Arctic Coastal Plain to the east; again, 15 times more oil forecast to be discovered per acre in ANWR than in NPRA.

I have had an opportunity this evening to give a little bit of perspective about what is available up in the Arctic in Alaska, what we would like to be able to provide. But I am also trying to leave my colleagues with a sense of the pragmatism, the reality that comes with oil exploration and production, not only in the Arctic, where it is challenging and very difficult, but in the rest of the country. When we say we have these leases that are in play and the companies have chosen not to produce, it is only right that we look more closely at these inactive leases and ask: What is the delay? What is the problem? Is it litigation? Is it some kind of a land use plan delaying it? Where are they in that process? But to suggest that because we are not seeing actual production here and now, that somehow or other we are not trying hard enough, ignores the reality of the complications the industry faces on a daily basis.

We want to do more. We want to find more, use less, as we have all been saying. But I think it is important that we recognize as we attempt to find more, we have to be realistic in terms of our expectations.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise to speak today on the legislation that is pending before the Senate, the Stop Excessive Energy Speculation Act of 2008. I believe it does represent a significant action that Congress can take right now to help reclaim our energy markets, to ensure the prices that Americans pay at the pump truly reflect supply and demand dynamics and not the additional, backbreaking costs added to a barrel of oil as a result of market manipulation and rampant speculation.

I do not come late or lightly to the issue of speculation. I have worked closely with Senators FEINSTEIN, LEVIN, and CANTWELL, and I could not commend their leadership enough as we have worked to enhance transparency in our energy markets for more than 2 years. We have successfully collaborated to close the enron loophole through an amendment to the farm bill, which Senator FEINSTEIN and I spearheaded. And I am particularly pleased that this legislation incorporates components of legislation I introduced with Senator CANTWELL, which would significantly enhance regulations on foreign markets that trade U.S. energy assets.

Now, I understand there is a great deal of discussion, debate, and even dispute about the process surrounding this legislation. Let me say, having returned to maine almost every weekend, having spoken to countless Mainers and Americans from all walks of life who are literally frightened and desperate because they do not know how they are going to fill their gas tanks, how they are going to heat their homes this coming winter, how they are going to even survive this winter. and the only thing they care about is results.

It is the beginning of the process, as it should be, to debate a larger question on energy policy. Obviously, this is not the end-all and be-all, but it is a beginning of the legislative process that must start. We must move forward on this legislation. It is not mutually exclusive with considering a far more comprehensive package. In fact, I would say that it must not be mutually exclusive. This body must debate and consider additional measures as a wide ranging package, in my view, that addresses the additional pressing energy issues that will both move our country toward self-sufficiency in the short term as well as, of course, in the long term.

Again, I believe acting on speculation as well as our long-term energy strategy must not be mutually exclusive. The fact is, we can and should enact this speculation measure and then move immediately to energy legislation. If that means spending every

minute of the remaining days of this session on energy legislation, then that is what we must do. The issue is not a matter of time but political will.

For the moment, with respect to the legislation before us, this bill today does begin the process of enhancing the transparency of our energy markets. It should be debated, amended, and improved. I do not agree with every provision in the legislation, but I do think it moves the process forward. After all, Congress has had more than 40 hearings on speculation. While I strongly support the intent of this legislation, and believe it would be a vast improvement over the current regulatory structure, I think we can agree we should utilize our collective knowledge and insight of energy experts to further enhance this pending legislation.

With the price of oil up $11 one day and down $8 the next, with testimony and studies indicating that speculation is contributing as much as $25, if not $60, a barrel, there is no question that swift, decisive action of this kind is required. In fact, last month, during a Senate Commerce Committee hearing, chaired by Senator CANTWELL, Professor Michael Greenberger, the CFTC's former Director of Trading and Markets, testified that foreign trading of U.S. commodities is increasing energy prices that Americans are paying, and, worse, the regulation of foreign markets is inferior to U.S. standards.

Americans have a right to know what is occurring in these markets, that trade commodities can be costly and wreak financial havoc on them. The Government Accountability Office study, which I requested nearly 3 years ago, demonstrated just how futures markets play a key role in price discovery but that these markets require three fundamental criteria: first, current information about supply and demand; secondly, a large number of participants; and, third, transparency. It is transparency that is conspicuously missing from these markets today, especially with regard to foreign markets that trade U.S. commodities.

Unequivocally, if U.S. commodities are being traded overseas, then the foreign market must incorporate the core principles established by the Commodity Futures Trading Commission for the New York Mercantile Exchange, including position limits and accountability, emergency authority, and daily publication of trading information.

The absence of these principles along with a lack of transparency could foster corruption and a gaming of the system in these markets, as we witnessed with Amaranth and Enron. There are traders active on the New York Mercantile Exchange as well as the ICE Exchange in London who are buying the same U.S. West Texas Intermediate oil on both exchanges. How does that happen?

Well, I ask my colleagues, what is the effectiveness of two markets if they sell the same product but one has relaxed regulations?

I posed this very question, with Senator FEINSTEIN, to the CFTC Chairman in a letter 2 months ago. The Acting Chairman responded that even if the CFTC instructed a trader to reduce the size of his NYMEX West Texas Intermediate position, nothing under the Commodity Exchange Act or the Commission's regulations would prevent that trader from establishing a similar position for West Texas Intermediate on the ICE London Exchange. What good are regulations if you can simply sidestep them and move to another exchange?

To its credit, the CFTC has since reversed its position after Senator CANTWELL and I pressed the Acting Chairman by introducing legislation. The CFTC has now moved forward to establish position limits for U.S. traders making transactions on U.S. commodities on foreign exchanges.

I am pleased the legislation before us today would codify this CFTC rule for all foreign exchanges. However, at the same time, we should heed Professor Greenberger's admonition and regulate futures markets which are physically located in a foreign country but that operate in the United States and trade U.S. commodities—exactly like NYMEX.

This stipulation is exactly what Senator CANTWELL's and my legislation would accomplish by requiring that these foreign markets, which trade a third of all the contracts for America's West Texas Intermediate, be subject to the 18 core principles established by the CFTC. Only when foreign markets adhere to these principles will we be able to ensure our energy futures markets are secure and not susceptible to manipulation. With that said, this legislation significantly improves the regulations for foreign trading of U.S. commodities, and I will be supporting this package because of this basic provision.

This brings me to the larger point I want to convey to this Chamber today. This bill is indeed a step in the right direction. But the problem is, instead of steps, America should be making giant strides. Instead of adding yet another year to 30 years of a failed, piecemeal approach to energy policy, we should be developing a bipartisan consensus, one committed to landmark, comprehensive energy legislation. As a result, I call on my colleagues to join to move forward with other policies that could be implemented now that will make a difference for our constituents struggling with inordinate prices when it comes to energy.

In a world in which gasoline at the pump costs $4.10 per gallon, according to AAA—obviously, prices vary across the country—and the price of oil is still approximately $130 per barrel and could easily spike depending on the day, or the events, where the Consumer Federation of America estimates that the amount spent annually by American households on energy in the last 6 years soared from approximately $2,600 to an astonishing $5,300, where the United States is sending as much as $700 billion overseas this year for oil—the largest transfer of wealth in human history—and where energy costs are boosting the price of groceries and transportation, commuting, plane fares—arguably every aspect of our daily lives—I ask my colleagues, in the area of energy policy, can we not pass a speculation bill that then leads to consideration of a larger energy measure?

I think of the taxpayer who could use a $300 tax credit to purchase a high-efficiency oil furnace, which would save $430 annually, according to calculations based on Department of Energy data and recent home heating oil prices. But what did we do? We allowed the tax credit to expire—and to date, there are no Federal incentives for homeowners to save money and for our country to reduce energy demand.

I think of our Nation's vast reservoir of renewable resources that is available to us yet lies virtually dormant. As this chart highlights, our entire country has access to significant wind that may be developed into electricity. On May 12, the Department of Energy, in a groundbreaking report, stated that wind energy alone could produce up to 20 percent of our Nation's electricity—20 percent.

If you look at the map of the United States, you see the potential for wind energy. In my State alone, we have $1.5 billion pending for investments awaiting the outcome of whether we are going to extend the tax credits for renewables.

But what has Congress done? Increased uncertainty for renewable energy companies by not extending incentives that are scheduled to expire this year, causing a precipitous decline in investment. Projects currently underway may soon be mothballed. We have already seen this occur, when our renewable production tax credit expired in the past, as indicated by this chart.

Looking at these years, in 2000, 2002, and 2004, the production tax credit expired, and there was a pronounced downturn in electricity production from a clean American resource.

If you look at this chart, you can see the vast difference in what we did in 2007, when there was a bill. When the production tax credit was available, we saw the investments being made. You see the red arrow going down shows where we did not have it, and it had a significant and marked impact in lessening the investment and causing the underwriting of investments to fail. That is unfortunate because clearly the Federal Government and the Congress have a role to play when it comes to spurring incentives and investments in alternatives, and certainly this is the case with the production tax credit.

Seven months ago, we could have begun to put more than 100,000 Americans to work with an extension of clean energy production tax credits, if

we had passed these incentives as I called for in the stimulus package almost, what, 6 months ago now. This is evidenced by the growth in the industrial production of wind blades, turbines, fiberglass, and towers.

I recognize that wind energy cannot be produced everywhere in our country, but the manufacturers of wind infrastructure are growing throughout the country. Wind is a resource that our country could be developing right now, if we only extended the modest tax incentive.

Again, I think this chart is an illustration of the potential for wind energy across this country; as I said, including in my State, where we have $1.5 billion worth of wind power projects available, awaiting the outcome of whether the Congress is going to extend the tax credits for renewables.

Why aren't we doing this now? I do not understand why we did not include this as part of the stimulus package 6 months ago. Certainly, this was stimulative in terms of what it could accomplish in job creation. We well know that. As I said, 100,000 jobs, so obviously the tax credits would have had an impact on the economy. It would have had an impact on job creation. It would have had an impact on energy production, investments for the future, and moving this country forward. These would have been concrete steps that would have sent the right message to those who are prepared to make the investments in alternatives, but we are fiddling while people are scrambling to figure out how they are going to make ends meet with soaring energy prices.

Here we could take up the simple act of extending what we know will be extended—that is the ridiculous nature of this whole debate, that we know we are going to be extending the tax credits. We know, so why don't we take the steps proactively and be aggressive in addressing the problems facing this country, rather than reacting, rather than stalling, rather than hesitating to take action on a critical and fundamental issue when it comes to alternative energy sources.

There are sizeable geothermal resources we could tap into right now. Last year I met with President Grimsson of Iceland who related to me how geothermal power now provides 93 percent of the heat for residential homes on his island. This achievement marked the culmination of a 30-year undertaking, the dividends of which Iceland is only now beginning to reap. Not only is the United States the greatest producer of geothermal power, as the President noted, but we also possess the world's largest potential for additional geothermal capacity, as indicated in this chart again, yet we don't have policies in place to tap this tremendous energy alternative. Again, it demonstrates our abilities and our capabilities when it comes to geothermal, yet we have not tapped into this mighty resource as an alternative. We have not taken the proactive position and actions, nor created the incentives that would encourage this as an alternative, as an investment, whether it is commercial or residential—and it could be both—yet we are not taking any action when it comes to this resource that we have in abundance across this country.

The evidence in favor of maximizing this particular resource is overwhelming. In fact, a Massachusetts Institute of Technology report published in January of 2007 provided an extensive assessment of the future of geothermal power in the United States and concluded it is possible to produce nearly 10 percent of total electricity generation by 2050 at a cost of between $600 million and $900 million, which would be extremely attractive today to the energy market. The findings posited that geothermal power can be expanded because of a new drilling technology that artificially produces the geothermal process at deep levels in the Earth's crust.

We could begin this process, but yet again, we are investing little to nothing toward the production of geothermal power, and there are currently no incentives for homeowners to develop clean, American, geothermal heating or cooling systems for their own homes. I ask the question: Why?

There are actions we in this Chamber could take right now to soften the blow being incurred already by our citizens in every region, every sector, and at every income level in this country. Why can't we move on legislation I introduced last week with Senator KERRY authorizing $1 billion in funding from 2009 to 2013 to help States design and implement a crisis response to addressing the rising cost of heating oil, natural gas, and diesel? In very short order, grants could be administered to States to help provide heating shelters for communities, as well as energy assistance and information to the elderly, to consumers, and to small businesses.

Why can't we move on legislation I joined with Senators DODD and KERRY in introducing last month, which would stipulate that if the price of home heating oil exceeded $4 per gallon this winter, the Home Heating Oil Reserve would be released on a staggered schedule throughout the winter? There are nearly 2 million barrels—2 million—currently available and going unused in the Northeast. It would be an egregious dereliction of duty for the Government to withhold this vital heating source when the health and safety of our population is at risk.

Why can't we move on legislation I have introduced which would extend energy efficiency tax credits for new homes, new commercial buildings, and home retrofits that were included in the 2005 Energy bill? These tax credits are working to make a difference right now. Since 2006, when the new homes tax credit was first put in place, 30,000 new homes have qualified for the tax credit, cutting the energy use of those homes by half. According to a Harvard School of Public Health study, 65 percent of homes are under-insulated. With 100 million homes nationwide, there is a considerable amount of savings if we would provide incentives for homeowners to make the investments in efficiency.

It is hard to believe we have yet to pass tax credits, for example, for my constituents to retrofit their homes with a wood pellet furnace, for example, which they are trying to do right now. We can't pass it here at a time when we are facing the crisis of home heating oil of more than doubling, could be close to $5. We have yet to get close to winter, so no one can predict what the cost of home heating oil will be as we approach the winter or even as we approach fall. Right now it is somewhere between $4.62 and 4.79 per gallon, depending again on where you live. These are the projections and these are what people are paying, and yet we cannot pass a tax credit for people to retrofit their homes to alternative furnaces because we are dithering once again.

It is regrettable that we can't take these simple but concrete steps that can make a difference. We could take many steps that could constitute viable actions that could truly assist this country, yet we remain timid, stagnant, and polarized. Instead of earning the public trust, we continue to lose it. It is no wonder the approval levels for Congress are now hovering around 14 percent. Some of us are working to transcend party, to reach across the aisle, to put political posturing aside for something larger than scoring a point here or a point here. I am advocating that we join forces, not out of some idea of getting something done, but because circumstances are grave and the potential peril we face is that ominous that bold cooperation is the only answer.

In a recent column entitled ''Dumb as We Wanna Be,'' Thomas Friedman said as much with regard to our unbelievable squandering of these tax credits. He said:

> Few Americans know it, but for almost a year now, Congress has been bickering over whether and how to renew the investment tax credit to stimulate investment in solar energy and the production tax credit to encourage investment in wind energy. The bickering has been so poisonous that when Congress passed the 2007 Energy bill last December, it failed to extend any stimulus for wind and solar energy production. Oil and gas kept all their credits, but those for wind and solar have been left to expire this December. I am not making this up. At a time when we should be throwing everything into clean power innovation, we are squabbling over pennies.

In my own State of Maine, the absence of an energy policy is creating a bleak picture for the future that only gets more dire as winter gets closer. Eighty percent of Maine households use heating oil to get through winter. For those of us in Maine, like all of New England and those of us in the

West, access to home heating oil is not just a matter of economic survival, it can be the difference between life and death. Last year at this time prices were at a challenging $2.70 a gallon. For the Mainer who, on average, goes through 1,000 gallons of oil, that is $2,700. The price now is $4.62, meaning it will cost those of us in Maine $4,600 to stay warm—and that is here in July. We haven't come into the fall; we are not even approaching winter. That is not even taking into account the gasoline prices. This is a looming crisis in Maine, one that requires immediate attention, not only for Maine but throughout this country.

Because of the anxious concern about the price of heating oil that is mounting in my State, because our economy continues to teeter on the brink of recession and even stagflation, and because efforts to craft an energy policy have remained mired in political machinations year after year, we can ill afford to stand idly by. That is why I, along with 15 of my colleagues—Senator BEN NELSON and I wrote a letter, and we were joined by 15 other colleagues, including Senators WICKER, GREGG, BAYH, LEVIN, COLLINS, SUNUNU, SPECTER, JOHNSON, CARDIN, COLEMAN, LIEBERMAN, DOLE, LANDRIEU, and BARRASSO, asking the President to convene an emergency summit to address what is a growing energy crisis. We recognize the status quo must change with regard to our energy paralysis, and we have to sit down and forge a bipartisan and bicameral agreement with the President. We are calling on the President to convene this emergency summit on both ends of Pennsylvania Avenue.

We ought to be able to sit down around the table, convening the bipartisan congressional leadership and other Members of both the House and Senate on committees of jurisdiction, along with industry leaders, environmental leaders, and all stakeholders, because this is a national emergency that requires urgent attention by the President and by the Congress to take immediate action.

Because families are facing painful choices on a daily basis between filling up their cars with gas or feeding their family, I have called on Congress to do everything to address every needless dollar our country spends on energy as a result of price manipulation and rampant and unchecked speculation. The bill under consideration today helps achieve that, but we have to do much more. So while I agree we must move forward with this legislation, I hope at the end of the day, at the end of this process, we will consider other measures that are so instrumental to crafting a comprehensive energy policy. The President too has a responsibility to join us in this process. We should be working individually and collectively in bringing the best minds in this country together to begin the process of addressing our energy policy based on the short term, on intermediate and long-term proposals that are so essential to eliminating our dependency on imported foreign oil once and for all. We need to develop strategic independence, and that is going to require urgent attention on our part. It requires consensus and compromise that has paved the way for landmark legislation in the past and it obviously requires crossing the political aisle to advance these historic initiatives—principles ingrained in our Constitution and keystones from our Nation's inception.

When considering the vision of the Framers and the times in which we find ourselves, I am compelled to say today that unless we in Congress depoliticize these monumental issues of our time—as we have neglected to do time and again on energy policy—unless we set aside our partisan self-interests, we risk marginalizing this institution we cherish, and we will not only have failed those who have elected us, but we will have failed the test of history. As we are witnessing every day, the stakes couldn't be higher economically, militarily, and globally.

The core challenge is—as it has always been—for this, the greatest democracy on Earth, our ability to govern ourselves. Good governance doesn't mean full agreement or comity 100 percent of the time within the walls of this venerable, deliberative body, but it does mean that we, as elected officials, have an individual and collective responsibility to make the system work, and that can only happen when we are willing to take the risk of working with each other instead of against each other. We would engender a renewed integrity to this process if we were simply to allow it to work. We should begin to make every possible effort to make it happen. If we truly accept working together, there is nothing we cannot achieve. We could realize, I think, milestone accomplishments that would be so important for this Nation at this very anxious time.

I hope this is the beginning of the process of crafting a comprehensive energy policy. It is rightfully what the American people expect and deserve from their elected officials and this institution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

WELCOME HOME SHAW

Mr. BROWN. Mr. President, in June, I had the distinct honor of joining thousands of Clevelanders at the Wolstein Center to celebrate the determination and success of The Mighty Shaw High School Marching Band. The band was preparing to travel to Beijing later that month to perform at the International Olympic Music Festival. Shaw was one of only five U.S. marching bands invited to this event, and we celebrated their achievement that night in Cleveland.

On the night of the concert, there were several thousand people in attendance. Many of them were Shaw High School alumni but just as many of them were not.

Folks traveled from all over the State of Ohio to come out and show support for the marching band, everybody dancing and singing in celebration of Shaw's accomplishment.

The celebration represented more than a sendoff of a high school marching band. It represented the collaboration of an entire community and the sheer willpower of a dedicated band and its tireless and fearless director. Donshon Wilson can be called many things: director, teacher, and mentor. But for the students and families of Shaw High School, he is also called hero.

Mr. WILSON, a Shaw marching band alum, saw the decline of his beloved band and decided to do something. Beginning in 2001, with a meager budget, he took a handful of students and turned the band into a 60-member-strong force to be reckoned with.

This year, with his unwavering faith and determination, he raised the necessary funds—more than $400,000—to send Shaw to Beijing.

Mr. WILSON had transformed a high school band from an organization that plays instruments to a group that inspires thousands of young people across Cleveland.

From performing for Senator OBAMA and Senator CLINTON in the last year, to entertaining city diners as the musicians played impromptu concerts throughout Cleveland's city streets, to representing our country in China, the Shaw marching band is an example of the best and the brightest in our community.

At that Cleveland concert in June that my wife and I attended, what was already a great celebration turned even more jubilant when Band Director Wilson announced that the money raised in the last year would not only send the band to Beijing, it would also establish a new seventh and eighth grade section of the band.

When it was announced Mr. WILSON would extend the program to now include the younger students in the Mighty Cardinals Marching Band, the crowd applauded with joy and gratefulness. They knew this had never been done before. Giving the students the proper foundation to become better musicians earlier in their lives benefits this entire community of the city of East Cleveland.

As a father of four children, I could not help but well up with pride as more than 30 boys and girls in seventh and eighth grade marched onto the arena floor to join their new band sisters and brothers in a spirited performance that brought down the house.

Because of the extraordinary work of Mr. WILSON, the Mighty Shaw High School Band, and school superintendent Myrna Loy Corley, a new generation of students will become part of the Shaw band family and Cleveland history.

Earlier this month, Shaw returned from their triumphant trip to China.

To say they were a hit is an understatement. From a spirited performance in the historic Xi'an City Plaza, to an energetic performance at the Great Wall of China, to their climactic parade and a knock-their-socks-off concert in Beijing, the Shaw High School Band represented themselves, their school, their city of East Cleveland, and this great country with honor.

In the process, based on the cheers and applause from the audiences, they won the hearts of their Chinese hosts. This summer, the people of China—and the world—came to know what so many of us already knew: The Mighty Shaw High School Marching Band is world class.

These are the band members:

Jimea Barnum, flag; Justin Bass, French horn; Jason Blade, trumpet; Samone Bey, dance team; Krystal Brooks, flag; Alona Bryson, dance team; Carlissa Chambers, dance team; Renee Dorsey, flag; Kamaria Eiland, flag; Leah Foster, cymbals; Isaiah Gardner, tenor drum; Marlon Graves, tenor drum; Rhonda Harris, cymbals; Arthur Hill, baritone horn; Simone Hurd, dance team; Kayla Jordan, dance team; Gerome Jennings, Baritone horn; Jared Lang, French horn; Derrick Le Grande, tenor drum.

Deontae Lewis, French horn; Mathew Longino, French horn; Marshae Love, dance team; Audrey Maxwell, trombone; Genesis Maxwell, cymbals; Alisha McClellan, cymbals; Robert Miller, tenor drum; Seirra Moore, trumpet; Quanee Penn, snare drum; Tony Prather, bass drum; Raymond Raye, bass drum; Sharleen Riley, flag; Chanay Robinson, trombone; Tyrel Ross, tuba; Delilah Sedrick, dance team; Natasha Shields, trumpet; Masonia Shorter-Little, trombone; Jimila Small, trumpet; Andresa Stephens, dance team; Marshell Stone, trombone.

Chavone Taylor, snare drum; Jonathan Thomas, tuba; Rory Tripp, trumpet; Donovan Vaughn, trumpet; Ericka Walker, trumpet; Denzel Watkins, snare drum; Kimille Webb, dance team; Russell West, baritone horn; Daniel Whitworth, tuba; Ciera Whitworth, trumpet; Shera Williams, trombone; Victor Williams, snare drum; Latonia Young, flag.

These young men and women are special as students, as musicians, and as citizen ambassadors. Welcome home. We are all so proud of you.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

34TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

Ms. SNOWE. Mr. President, I rise to mark a dark anniversary for the Hellenic-American community, and its Cypriot members in particular. Thirty-four years ago this week, the armed forces of Turkey violated the sovereignty and territory of the Republic of Cyprus by illegally invading and ultimately occupying its northern third.

The continued division and military occupation of Cyprus by Turkey remains a gross violation of the human rights and fundamental freedoms of all Cypriots and a blatant disregard for the rule of law. The European Court of Human Rights has repeatedly condemned Turkey for violating fundamental rights of Cypriots such as the right to life, the right to liberty and security, the right to the protection of property and the prohibition of inhuman or degrading treatment—rights we as Americans also regard as sacrosanct.

Throughout these decades of injustice, the Greek Cypriot community has sought a just resolution to the ''Cyprus Question.'' And we are certainly at a potentially historic crossroads in the effort to end this tragic division. With the February election of President Christofias and his focus on engaging the Turkish Cypriot community, the coming months may turn out to be among the most consequential in the island's long history. Certainly, for the people of the Republic of Cyprus, the illegal occupation of the north cannot come to an end soon enough.

Meeting with Cypriot Foreign Minister Markos Kyprianou in early April, I was therefore heartened to hear in detail about the progress made at President Christofias' March meeting with Mehmet Ali Talat, the leader of the Turkish Cypriot community, which resulted in the establishment of working groups on the outstanding substantive issues to be resolved between the two communities. Shortly thereafter, the two communities opened a critical border crossing on Ledra Street in the heart of Nicosia in early April. The two leaders have met twice more to review the progress of the working groups, and are scheduled to again meet at the end of this week.

These efforts only strengthen my long-held commitment to work to ensure that the United States stands by its close ally, the Republic of Cyprus, to achieve a resolution to the tragic division of the island that is fair to Greek Cypriots. As we learned from our experience with the justified rejection of the Annan Plan by Greek Cypriots in 2004—the Cyprus Question is one that can only be resolved through mutual agreement on a solution, not an imposition of one.

The magnanimity of the Greek Cypriot community in seeking a fair solution to the division of the island despite the injustices they have suffered for nearly three and a half decades was also highlighted for me in October, when I met with the Mayor-in-exile of Famagusta, Alexis Galanos, concerning the Republic's hope for the orderly resettlement of the ''ghost neighborhood'' of Varosha by its rightful inhabitants under U.N. administration, which would also open the harbor for use by both communities. Support for this plan—which the international community called for in United Nations Security Council Resolution 550 of 1984—demonstrates not only the willingness but also the wisdom of the Greek Cypriot community in seeking just and workable outcomes to seemingly intractable problems on the island. I am pleased to be working with Ambassador Andreas Kakouris of Cyprus to garner congressional support for this initiative.

Moreover, the United States should be doing its part to address one of the most devastating effects of the occupation on Cypriot-American families by providing the means for U.S. citizens with claims to property in the Turkish-occupied north of Cyprus to seek redress for the homes that have been destroyed or taken from them. The invasion by the Turkish troops in 1974 forced nearly 200,000 Greek Cypriots—nearly one-third of the Cypriot population at the time—from their homes, making them refugees in their own country. A large proportion of the properties from which the Greek Cypriot owners were expelled was unlawfully distributed to the tens of thousands of illegal settlers from Turkey. An estimated 7,000 to 10,000 U.S. citizens of Cypriot descent have claims to such properties.

That is why my colleague Senator MENENDEZ and I have introduced the American-Owned Property in Occupied Cyprus Claims Act, which would direct the U.S. Government's independent Foreign Claims Settlement Commission to receive, evaluate, and determine awards with respect to the claims of U.S. citizens and businesses that lost property as a result of Turkey's invasion and continued occupation of northern Cyprus. The bill would further grant U.S. Federal courts jurisdiction over suits by U.S. nationals against any private persons occupying or otherwise using the U.S. national's property in the Turkish-occupied portion of Cyprus. The act would expressly waive Turkey's sovereign immunity against claims brought by U.S. nationals in U.S. courts relating to property occupied by the Government of Turkey and used by Turkey in connection with a commercial activity carried out in the United States.

More than just providing redress to Cypriot-Americans who have had their ancestral homes taken from them, this legislation would uphold the larger shared values of justice and personal dignity that the citizens of both the United States and the Republic of Cyprus value so highly. It is my hope and pledge that, whatever progress is made in the current talks between the two communities on the island, the United

States will continue to stand by its close ally to ensure that fairness is not sacrificed in the interest of expediency. For it is not just the rights of the Greek Cypriot community that are at stake, but the viability of the human and civil rights that all democracies—that most enduring of Hellenic institutions—hold most dear.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thanks for the info. And thanks for asking for input. My family is seeing the pinch somewhat. We live 20 miles from Boise, and since work and shopping are in Boise, that puts us on the road a lot during the week. We have been forced to consolidate trips, which is not that bad an idea. We also drive our little car (Honda Civic) more, which, for a family of large people such as ours, is not a small problem. We do not drive my pick-up as much as we have in the past, either.

I think that it is about time we developed our own resources regardless of the impact of individual families. It is a strategic decision since the world's oil reserves are being used at an ever-increasing rate because of the growth of the economies of different countries around the world. The U.S. is not the only consumer any more, and we have to live with that. So, drilling in ANWR, off the coast and developing oil shale is a good thing, especially since we have proven that we can do it with very little impact on the environment (as is the case of the Trans-Alaska Pipeline). Of course, we can expect accidents, but we have to deal with that if it happens and engineer a plan for that contingency to prevent it from happening.

I think solar power is something we really have to look at. Why not require that every new house built have solar collectors on the roof. This will do a number of things:

It will create a new industry which will create a fertile environment for R&D, which will, in turn, improve the efficiency and branch into new areas where solar power can be used that have not been considered yet.

It will use a resource that is not being utilized because of inefficiency. But, regardless of how inefficient our use is, if we do not use it, it is going to waste, anyway.

It will open a new realm of thought where American ingenuity can take over branching into other areas.

If we could offer tax or other types of incentives to home owners who choose to retrofit their existing houses to solar power, we could further increase the possibility of development of the use of the resource.

I think nuclear energy has proven itself to be a great source of power. Its increased use would foster research into uses of the spent fuel, which seems to me to be the most controversial area. Again, I am sure that with the increased use of nuclear power comes the increased possibility of accidents, but also comes the increased knowledge base from which to work, keeping the possibilities of accidents to a minimum.

One of the important questions I would like to raise is the viability of ethanol. I think it is going to do too much damage (we are seeing it already) to our food-producing industry. It is already causing an increase in food costs in the grocery store, and further development will cause, I am afraid, an even larger cost increase. We are already importing foodstuffs from other countries, something we have not had to do before.

UNSIGNED.

You write that my country is too dependent on foreign oil and we must develop alternate energy sources. You, your party, and many of the Democrats have voted consistently against all such alternatives for one reason or another. [I disagree with your assessment of the problem.] It is of no use to write about my experience with the rise in gas prices. If Congress and this Administration need stories, then it further proves that our elected government [is not responsive to its citizens][Congress has] held hearings with the oil representatives, which [has not resulted in anything.] Thank you for your inattention to this response.

HARRY.

I am a small business owner in Meridian. I will put this succinctly: My government is allowing OPEC to put me and other businesses out of business! If I understand this correctly, we import most of our oil from Canada and Mexico. If I also understand this correctly, they import a lot of food and technology from us. Therefore, if we get little to no oil, then understandably, they should get no food or technology and keep [their own] citizens in [their] country. I cannot afford to pay higher taxes for these illegal people. No oil = no food. I can live longer without their oil than they can without our food. Stop all Alaskan pipeline oil to Japan; why should we be in critical shortage and continue to supply them?

We can build refineries, too. Obviously the OPEC cartel does not want to since they are raping our bank accounts with the few that are working. Drill off-shore; China is [doing so] in our own gulf, and drill in the Arctic National Wildlife Refuge.

[I am tired of all the talk without any action. Congress must get this country moving in a positive direction.]

Support the troops.

Secure the border.

Drill and process our own oil, build refineries.

Secure English as our language.

No foreign aid to countries hostile to the U.S.

Practice some ethics in government service.

[I am very unhappy with the inaction of Congress on this matter.]

Sincerely,

DAVID, *Meridian*.

DEAR SENATOR CRAPO: I received your e-mail and just wanted to respond in kind to it.

I also heard President Bush's speech this morning that he would like to lift the ban on offshore drilling, begin shale drilling in Wyoming, Colorado and Utah, and also begin drilling in ANWR. My husband and I are 100 percent in favor of this happening, and hope that your vote will likewise be the same in the Senate. What a shame that this country has not built a new refinery in thirty years. It is hard to believe that we have let ourselves become so dependent on foreign oil, and it is a disgrace to this country. We would also be in favor of nuclear energy, and affordable hybrid cars (electric and gas) to lessen the dependency on oil.

My husband and I are both retired and on fixed incomes so the sky rocketing fuel prices affecting the cost of food, and anything else shipped by truck, has not only cut into our income, but also into our savings.

We thank you for all the good work you are doing on our behalf as Senator of Idaho. Please keep up the fight so that our voices can be heard.

Sincerely,

SHEILA.

It is time that we must remind Republicans that if we do not drill, we will no longer be the strongest nation in the world. I am sure that the Liberals and Environmentalists want us to suffer. We are a ''can do'' nation and we can start drilling off the coasts and in ANWR. We need to show, the Americans, that we are still a ''can do'' nation. Maybe we should tell all those who do not support drilling that we should not support them in Congress. We are a nation that has always had a ''can do'' attitude. We do not [want people in Congress who do not support drilling and new jobs; we need people who will allow us to develop our own resources without reliance on foreign countries.] We have plenty of oil and oil shale in our country to start drilling now.

MARY.

Good for you, Senator Crapo!! Thank you for not falling for the illogical environmental hysteria that is taking over the political landscape right now. We need long-term planning, not short-term panic.

MARV.

I have presently read a report written by a retired engineer from Exxon. This engineer has proposed a change from oil to coal-oil. That can be produced at $40 a barrel and within EPA standards. To me, this is a no-brainer for the interim until a permanent solution is available.

HERBERT.

My wife and I live in Hailey and are octogenarians, so the impact of high energy costs is felt through home heating and cooking and limitation on driving. Perhaps the greatest impact is the rising cost of food and services relating to costs of energy. We have canceled out two vacations this summer and fall, and go into town to shop and pick up mail just 2 or 3 days a week.

If Congress actually gets serious, I feel we would be well served by 1) offshore drilling and new refining and 2) a serious long-term effort to diversify into nuclear power, and other economically correct alternatives, including coal and shale oil.

Keep your eye on the ball.

JIM AND MARTY.

''This year alone, the average American family will spend more than $200 a month on gasoline.''

YOU are now paying about half what Europeans pay for gas—so this is what you chose to call a ''crisis.'' But then of course you do not walk in my shoes. The Europeans apparently have learned to live with outrageous

gas prices, but then their governments do not provide tax incentives for people to buy SUVs and 1-ton trucks to go shopping in. Maybe there is no SUV or 1-ton truck lobby over there.

Here is MY crisis—if you are interested: I am paying $1,293 per month for medical insurance for my wife and myself. That is a heck of a lot more than your $200 ''crisis.'' That takes care of about all of my company pension (after 30 years of employment).

For that $200 in gas I can escape to McCall or Stanley for a weekend. That $1,293 medical insurance does not even offer me peace of mind, as I struggle each month to justify the payment.

Obviously—your crisis is not my crisis—and vice versa.

OLE, *Boise*.

This fuel problem is, of course, hard on us all. But the young families trying to make ends meet by working two jobs and still cannot meet the student's needs, and cannot get any to help because they do not fall into the right bracket to receive stamps or whatever, free children's lunches, even. The real people are the ones who are hurting. Yes, something has got to give. Bless you for caring.

MARY.

The bottom line solution to our energy crisis is to dramatically reduce our dependence on fossil fuel as quickly as possible, especially foreign oil. Sooner or later that supply is going to be history.

The big question is what can we do now? I can think of several ideas: (1) Allow oil drilling in the U.S. in those areas currently restricted by environmental law. (2) Create monetary incentives for auto manufacturers who offer non-fossil fuel vehicles for sale and also incentives for those who buy them. (3) Encourage the use of nuclear energy to generate electrical energy, both for home and domestic use. (4) To help pay for some of this, apply a healthy surcharge on every gallon of foreign oil that comes into the U.S. And finally (5) continue to help educate our U.S. public in new and better ways to cope with high energy costs.

None of this will come quick or easy, but something has to be done now to keep from destroying our U.S. economy and existence.

Thank you.

DAVE AND HELEN, *Meridian*.

I totally disagree with your statement in the first paragraph that reads:

''The driving distances between places in our state as well as limited public transportation options mean that many of us do not have any choice but to keep driving and paying those ever-increasing prices for fuel. The United States is too dependent on petroleum for our energy. And we are far too dependent on foreign sources of that petroleum. We urgently need to expand our own domestic production of petroleum and need to significantly diversify our energy sources.''

More emphasis should be placed by Congress (including you) on forcing the three domestic automobile manufacturers to increase the mileage cars and trucks get and phase out production of gas-guzzling SUVs, while increasing the production levels of hybrid cars similar to the ones Toyota and Honda make. Instead of coming up with new ideas you advocate continuing the status quo, which is to allow auto manufacturers to save money on the research necessary to come up with cars that have leading-edge technology, like the Toyota Prius. No wonder American car makers are losing billions of dollars and are now behind Toyota in cars sold. Next thing we taxpayers will probably have to do is to bail these companies out, just as we did with Chrysler in the early 1980s.

ROBERT, *Boise*.

DEAR SENATOR CRAPO, While there is no short term fix for escalating energy prices, I believe there are a few things that we can do to ensure the United States of America will have viable energy for the future.

(1) Speculative Impact on Oil—Taxing the oil companies into oblivion is not the answer, but the methods that are used to trade oil contracts can be changed. Since oil speculators only need to put 4 percent—7 percent down on an oil contract, there are too many speculators in the market that have no intention of ever taking delivery of a drop of oil. Raising the down payment to be comparable to the stock market (50 percent down payment) will take out the investors ''dabbling'' in oil. Let us do the math on this: If I took $40,000 of my own money, I could buy one million dollars worth of oil contracts that I would have no intention of ever taking delivery of. Removing oil contracts such as these from the market would give us a better idea of true supply/demand ratio really is.

(1a) The Fed needs to do what is necessary to increase the value of the dollar. A stronger dollar slows down speculative buying of oil, causing the price to drop.

(2) Import tariff on ethanol. While we do not want to be dependent on yet another imported fuel, this would remove some of the pressure on food prices due to demand for corn. Corn is so important to our society that most people do not grasp the impact it has on many areas of the economy. Everything from carbonated drinks, dog food, meat, etc. depend on corn in one way or another and also raises the prices for other crops because less of these other crops are being planted in favor of corn. Now take that price increase, and add the effect of the flooding this year and we are looking at a recipe for rampant inflation. Since Idaho farmers produce a large amount of sugar from sugar beets, maybe helping them build some plants to turn that sugar into ethanol is a viable option.

(3) Other energy sources. We cannot continue to count on oil as our primary source for energy. The Federal Government has known for years that we can get biodiesel from ALGAE! (http://www.unh.edu/p2/biodiesel/article_alge.html cites many government sources) We cannot afford to not provide funds for more research and development in this field. Clean nuclear energy—we need to do whatever we can to be able to take spent nuclear fuel and regenerate it, thus having less nuclear waste going into the ground. If the French can do this, there should be nothing in our way to prevent us for doing it—even if it means renegotiating nuclear proliferation treaties. We also need to invest more into research and development of solar and wind power. We also need to overturn drilling bans that are in place in places such as the coasts of California and Florida. We also cannot deny that this country needs more refining capacity, and we need to come up with a way to help companies cut the red tape and build more refinery capacity.

(4) FEDERAL GOVERNMENT REGULATION—The rules imposed by the EPA have impacted our ability to have higher mile per gallon vehicles. Tighter emission laws always results in a decrease in fuel economy. If engines put out less emissions in emissions tests, is that negated by them consuming more fuel over several years? For example, the change from low sulfur diesel (500 ppm sulfur) to Ultra low sulfur diesel (50 ppm) caused diesels to lose about 2 percent economy and some of the older engines have problems with the new diesel eating through seals. Having regulations more like Europe (separate policies for gasoline engines vs. diesel engines) would also help. Due to the current EPA regulation, nobody can import the clean diesels from Europe such as the Volkswagen Polo—which with the diesel engine gets 72 mpg. Hybrid vehicles cannot touch this kind of fuel economy. Just think how many gallons of fuel would be saved by cars like this, then think about how many more gallons of fuel would be saved if this vehicle used biodiesel!

As for how it affects my life: I had already reduced my driving after diesel hit $3/gallon, and now I have reduced it even more. I canceled plans to visit family in North Idaho for the Memorial Day Weekend (I live in Boise), and about the only driving I do is to/from work (5 miles each way), and necessary errands such as the grocery store. I also end up hunting much less than I would like, and if the price continues to climb, I may not hunt at all. If more people like me do not hunt, then the Idaho Fish and Game department will have huge funding shortfalls which, in my opinion, jeopardizes the future of wildlife conservation in our state. I also have cut down on spending of all other types, whether it is eating out or not buying consumer goods.

There is not an instant solution to the energy crisis, but some of the things above will help in the short term. We need to focus on the long term energy policy not only to cause prices to normalize, but to prevent economy-killing price hikes like we are seeing now.

ALAN, *Boise*.

We are 70 years old and active seniors on a fixed income. Energy costs are becoming a burden for us and will begin to go into our reserves for future years. Gas prices are obviously a problem but the cost of groceries is also a big item. We have one car and my husband rides a bicycle as much as possible. I walk to places when destinations are close enough. We are concerned about being good stewards of our environment and do what we can, e.g., recycling, using less gas, using fans instead of an air conditioner when practical, raising some of our own food, planting trees on our property, and conserving water.

We are disgusted that we are the victims of bogus global warming fanatics, environmentalists, and opportunists. Ethanol, which has not been proven to be efficient or good for engines, is using up corn that was used for food and livestock feed thus raising food costs. We have oil reserves in our own soil that could be used. There are other countries drilling off our shores so why cannot we since this would not create any more risk than is already present?

ALLEN AND JANE, *Nampa*.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF CHURCHS FERRY, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that recently celebrated its 125th anniversary. On June 27 through June 29, the residents of Churchs Ferry celebrated their community's history and founding.

This Great Northern Rail Road town site was founded in 1886 and named for the ferry service operated by Irvine A. Church. Mr. Church moved his Church post office to the town on November 13, 1886, adopting the new name. To conform to new government spelling regulations the name was changed to Churchs Ferry on November 30, 1894.

Although its population is small, Churchs Ferry serves as a testament to

hard work and determination. Even after a Federal buyout in 2000 relocated many residents of Churchs Ferry from the rising flood waters of Devils Lake, some residents remained. These 10 residents have persevered and worked extremely hard to keep Churchs Ferry alive. Paul Christenson is the mayor, mechanic, and mower of the community's 30 acres of grass and takes great pride in keeping Churchs Ferry beautiful. Two new businesses have opened, including Gardendwellers Farm, which grows custom crops for wineries and restaurants and offers horticulture tours and workshops, and Water's Edge Dog Boarding kennel.

Visitors who pass through Churchs Ferry still see that the street signs are up and can drive by city hall, the post office, Kat's Korral bar, Paul's Repair shop, the Zion Lutheran Church, a museum, the Masonic Temple and the former school's gym/kitchen/stage addition that was purchased by the school's alumni association. The 125th anniversary celebration started off Friday, June 27, with a 1-mile walk and concluded on Sunday with a polka church service.

Mr. President, I ask the Senate to join me in congratulating Churchs Ferry, ND, and its residents on their 125th anniversary and in wishing them well in the future. By honoring Churchs Ferry and all the other historic small towns of ND, we keep the pioneering frontier spirit alive for future generations. It is places such as Churchs Ferry that have helped shape this country into what it is today, which is why this community is deserving of our recognition.●

125TH ANNIVERSARY OF GUELPH, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that recently celebrated its 125th anniversary. On July 12 and 13, the residents of Guelph gathered to celebrate their community's history and founding.

Guelph is located in Dickey County in southeastern North Dakota. It was founded in 1886 as a station for the Great Northern Rail Road. The post office was established on March 8, 1887, and its postmaster, Silas R. Dales, named the town for his hometown of Guelph, Ontario.

Although its population is small, Guelph is a popular destination because of its proximity to the James River for recreational boating and fishing. In addition, there are eight farms in the community that have been in the same families for 100 years.

The celebratory events on July 12 included a performance by the Guelph Community Band and Chorus, an all-school reunion, children's games, pony rides, a Shine and Show classic car/collectible vehicle show, a banquet and a dance. Activities for July 13 included a turkey barbeque, children's games and a tractor pull. Also, the anniversary committee created memorabilia rooms representing the former Guelph school classes, and the town of Guelph. Video presentations of the community history and past celebrations were available for viewing throughout the weekend.

Mr. President, I ask the Senate to join me in congratulating Guelph, ND, and its residents on their 125th anniversary and in wishing them well in the future. By honoring Guelph and all other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. Communities such as Guelph have helped shape this Nation into what it is today, which is why this community is deserving of our recognition.●

125TH ANNIVERSARY OF HAVANA, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that recently celebrated its 125th anniversary. On July 4–6, the residents of Havana gathered to celebrate their community's history and founding.

Havana is a town of nearly 100 inhabitants. It is located in southeast North Dakota. Originally, the town was named Weber, but it was subsequently changed to Havana to avoid confusion with a town of a similar sounding name on the same railroad line. Havana was incorporated in 1904. By 1913, the town claimed a population of 450. In its early days, Havana had numerous general stores, pool halls, hotels, businesses dedicated to agriculture, a newspaper and an opera house.

Today, Havana offers its citizens plenty of leisure activities. Residents can enjoy a game of baseball at Williamson Park. The town maintains a grocery store and a post office. The Havana Civic Center hosts events for Havana's citizens. One of the favorite gathering places of residents of Havana is the town's café, the Farmer's Inn.

Havana's anniversary celebration began with a parade. In addition to many other activities, the community hosted a craft show, a banquet at the Havana Civic Center, a street dance, and fireworks display. Havana held a music festival, featuring bluegrass and gospel music, on the last day of the celebration. One of the highlights of Havana's festivities was the All School Reunion, which brought together former classmates of Havana School.

Mr. President, I ask the Senate to join me in congratulating Havana, ND and its residents on their first 125 years and in wishing them well in the future. By honoring Havana and all the other historic small towns of North Dakota, we keep the frontier spirit alive for future generations. It is places like Havana that have helped to shape this country into what it is today, which is why this community is deserving of our recognition.

Havana has a proud past and a bright future.●

125TH ANNIVERSARY OF MINNEWAUKAN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 125th anniversary. On July 25 through July 27, the residents of Minnewaukan will celebrate their community's history and founding.

Minnewaukan is a small town with a population of 318 residents located in Benson County in northeastern North Dakota. In 1883, the town site was founded as one of several sites competing for the important Northern Pacific Railroad connection at the west end of Devils Lake. It became the county seat in 1884. The name is based on the Indian name Mini Waukon Chante, meaning water of bad spirits. The post office was established on March 12, 1884, by Thomas B. Ware. In 1898, Minnewaukan became a city.

Today, Minnewaukan remains a proud community that has a prosperous economy consisting of farming, service businesses, outdoor tourism, computer processing and retail businesses. Like so many smaller rural communities in North Dakota, Minnewaukan is a tight-knit town where everyone knows their neighbor. The Minnewaukan Community Club is a valuable asset to the community. The efforts of the club have successfully established a thriving fish cleaning station and boat ramp in the area.

Minnewaukan is a great place for enjoying the outdoors all year round, including hunting, fishing, boating, and camping. People from across the State and Nation are drawn by the lengthy seasons and abundant populations of waterfowl and fish. Grahams Island State Park provides citizens of the community and tourists an opportunity to enjoy the beauty of North Dakota through hiking, canoeing, biking, horseback riding and cross-country skiing.

The community has planned a wonderful weekend celebration to commemorate its 125th anniversary. Current and former residents of Minnewaukan will gather to celebrate this special occasion. The celebration includes an all-school reunion, a 5k walk/run, parade, fireworks display, concerts, and much more.

Mr. President, I ask the Senate to join me in congratulating Minnewaukan, ND, and its residents on their 125th anniversary and in wishing them well in the future. By honoring Minnewaukan and all the other historic towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Minnewaukan that have helped shape this country into what it is today, which is why this community is deserving of our recognition.

Minnewaukan has a proud past and a bright future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING CERTIFICATION THAT THE EXPORT OF CERTAIN MATERIALS AND EQUIPMENT FOR PRODUCTION OF NUTRITIONAL SUPPLEMENTS IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY AND WILL NOT MEASURABLY IMPROVE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—PM–58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify that the export of 22 accelerometers for incorporation into railway geometry measurement systems and one 20-inch fluid energy mill for production of nutritional supplements is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 22, 2008*.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 3564. An act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

H.R. 3985. An act to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessability requirements in addition to other existing requirements, and for other purposes.

H.R. 4289. An act to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the ''Euripides Rubio Department of Veterans Affairs Outpatient Clinic''.

S. 231. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 3145. An act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''.

S. 3218. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3297. A bill to advance America's priorities.

ENROLLED BILLS PRESENTED

The Secretary of the Senate announced that on today, July 22, 2008, she had presented to the President of the United States the following enrolled bills:

S. 231. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 3145. An act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway.''

S. 3218. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Appropriations, without amendment:

S. 3301. An original bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110–428).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2657. A bill to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, and for other purposes (Rept. No. 110–429).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Jeffrey A. Remington, to be Lieutenant General.

Air Force nomination of Maj. Gen. Jack L. Rives, to be Lieutenant General.

Air Force nomination of Lt. Gen. Donald J. Hoffman, to be General.

Air Force nomination of Brig. Gen. Kelly K. McKeague, to be Major General.

Army nomination of Col. Timothy K. Adams, to be Brigadier General.

Army nomination of Lt. Gen. Ann E. Dunwoody, to be General.

Army nomination of Maj. Gen. David M. Rodriguez, to be Lieutenant General.

Army nomination of Maj. Gen. Edgar E. Stanton III, to be Lieutenant General.

Army nomination of Brig. Gen. Matthew L. Kambic, to be Major General.

Army nomination of Lt. Gen. Martin E. Dempsey, to be General.

Army nomination of Lt. Gen. Carter F. Ham, to be General.

Army nomination of Lt. Gen. Richard P. Zahner, to be Lieutenant General.

Army nomination of Maj. Gen. Robert E. Durbin, to be Lieutenant General.

Army nomination of Lt. Gen. Ronald L. Burgess, Jr., to be Lieutenant General.

Army nomination of Lt. Gen. John F. Kimmons, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Douglas M. Stone, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. George J. Flynn, to be Lieutenant General.

Marine Corps nominations beginning with Colonel Juan G. Ayala and ending with Colonel Glenn M. Walters, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2008.

Navy nomination of Capt. Cynthia A. Covell, to be Rear Admiral (lower half).

Navy nomination of Capt. Elizabeth S. Niemyer, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) Robert S. Harward, Jr., to be Vice Admiral.

Navy nomination of Rear Adm. Bruce E. MacDonald, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Frank J. Hale, to be Colonel.

Air Force nomination of Douglas K. Dunbar, to be Colonel.

Air Force nomination of Tamera A. Herzog, to be Lieutenant Colonel.

Air Force nominations beginning with Keri L. Azuar and ending with Pamela P. Warddemo, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2008.

Army nominations beginning with Kenneth L. Beale, Jr. and ending with Thomas H. Brouillard, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Army nominations beginning with Lenard M. Kerr and ending with Masaki G. Kuwana, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Army nominations beginning with Ralf C. Beilhardt and ending with Richard L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Army nominations beginning with Michael P. Abel and ending with Johnnie Wright, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Army nomination of John D. Muther, to be Colonel.

Army nominations beginning with Stephen L. Aki and ending with D060701, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2008.

Army nominations beginning with Earl E. Abonadi and ending with X0007, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2008.

Army nominations beginning with Jeffrey W. Abbott and ending with D060688, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2008.

Marine Corps nomination of Bryan K. Wood, to be Lieutenant Colonel.

Navy nominations beginning with David R. Brown and ending with Timothy R. White, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Bradley A. Appleman and ending with Florencio J. Yuzon, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Sue A. Adamson and ending with Julie L. Working, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Mark R. Boone and ending with John C. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Christopher G. Adams and ending with Nicolas D. I. Yamodis, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Alan L. Adams and ending with Georges E. Younes, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Craig L. Abraham and ending with Christopher M. Wise, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Calliope E. Allen and ending with Patrick E. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. LEAHY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. INOUYE, Mr. KENNEDY, Mrs. BOXER, and Mr. BIDEN):

S. 3297. A bill to advance America's priorities; read the first time.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. NELSON of Florida, Mrs. MURRAY, Ms. LANDRIEU, Mr. WHITEHOUSE, Mr. MARTINEZ, Ms. SNOWE, Mr. KERRY, Mrs. DOLE, Mr. ISAKSON, Mr. VITTER, Mr. CHAMBLISS, Mr. WICKER, Ms. CANTWELL, and Ms. COLLINS):

S. 3298. A bill to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels; considered and passed.

By Mr. ENSIGN (for himself and Mr. BROWN):

S. 3299. A bill to amend title 38, United States Code, to extend the demonstration project on adjustable rate mortgages and the demonstration project on hybrid adjustable rate mortgages; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY:

S. 3300. A bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON:

S. 3301. An original bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BARRASSO (for himself, Mr. SALAZAR, Mr. SMITH, Mr. JOHNSON, and Mr. DOMENICI):

S. 3302. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. SALAZAR, Ms. COLLINS, Mr. LIEBERMAN, and Mr. THUNE):

S. 3303. A bill to require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3304. A bill to designate the North Palisade in the Sierra Nevada in the State of California as ''Brower Palisade'' in honor of the late David Brower; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 3305. A bill to authorize the Secretary of the Army to establish, modify, charge, and collect recreation fees with respect to land and water administered by the Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. MENENDEZ:

S. 3306. A bill to ban the exportation of crude oil produced on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 3307. A bill to provide veterans with individualized notice about available benefits, to streamline application processes for the benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. REID, Mr. OBAMA, Mr. SCHUMER, Mr. LEAHY, Mrs. CLINTON, Mrs. MURRAY, and Mr. WYDEN):

S. 3308. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 617. A resolution honoring the life and recognizing the accomplishments of Eric Nord, co-founder of the Nordson Corporation, innovative businessman and engineer, and generous Ohio philanthropist; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Res. 618. A resolution recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks; to the Committee on Foreign Relations.

By Mr. SESSIONS (for himself and Mr. COLEMAN):

S. Res. 619. A resolution expressing support for a constructive dialogue on human rights issues between the United States and Bahrain; to the Committee on Foreign Relations.

By Mr. BROWN (for himself, Mr. LEVIN, Mr. KENNEDY, and Mr. OBAMA):

S. Con. Res. 94. A concurrent resolution recognizing the 60th anniversary of the integration of the United States Armed Forces; considered and agreed to.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 626

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1846

At the request of Mr. BOND, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2080

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2080, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wisconsin (Mr. KOHL) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2599

At the request of Mr. CORKER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2599, a bill to provide enhanced education and employment opportunities for military spouses.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2836

At the request of Mr. CHAMBLISS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2844

At the request of Mr. LAUTENBERG, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2844, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 2919

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2919, a bill to promote the accurate transmission of network traffic identification information.

At the request of Mr. STEVENS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2919, supra.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3164

At the request of Mr. CORNYN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3164, a bill to amend tile XVIII of the Social Security Act to reduce fraud under the Medicare program.

S. 3167

At the request of Mr. BURR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S. 3224

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3224, a bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 photovoltaic systems by 2018.

S. 3252

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3252, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 3263

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Nebraska (Mr. HAGEL), the Senator from Massachusetts (Mr. KERRY), the Senator from Pennsylvania (Mr. CASEY), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3263, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 3268

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

S.J. RES. 43

At the request of Mr. WICKER, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S.J. RES. 44

At the request of Mr. ROCKEFELLER, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S.J. Res. 44, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services and the State Health Official Letter 08-003, dated May 7, 2008, from such Center.

S. CON. RES. 82

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Con. Res. 82, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 331

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 331, a resolution expressing the sense of the Senate that Turkey should end its military occupation of the Republic of Cyprus, particularly because Turkey's pretext has been refuted by over 13,000,000 crossings of the divide by Turkish-Cypriots and Greek Cypriots into each other's communities without incident.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Missouri (Mr. BOND) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. LEAHY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. INOUYE, Mr. KENNEDY, Mrs. BOXER, and Mr. BIDEN):

S. 3297. A bill to advance America's priorities; read the first time.

Mr. REID. Mr. President, today I am introducing along with Senators LEAHY, LIEBERMAN, FEINSTEIN, INOUYE, KENNEDY, BOXER, and BIDEN, an important bill, with provisions in a variety of areas—from advancing medical research in critical areas, to cracking down on child exploitation, to promoting important U.S. foreign policy goals, to helping improve America's understanding about the oceans. What unites this diverse package of bills? One thing—unprecedented obstructionism.

The bills in this package include initiatives that have broad bipartisan support. Initiatives that have passed the House by 411 to 3; by 422 to 2; by 416 to 0. Many of these initiatives had such strong bipartisan support that they passed the House and Senate Committee by voice vote or even by unanimous consent.

Under normal circumstances, they would have passed the Senate through a simplified and expedited unanimous consent process and become law. Maybe some would have required a period of brief debate before passing the Senate.

But, instead of allowing the will of the Congress and the American people to be heard, Republicans have obstructed one bill after another. Here are just a few examples of the legislation that this bill includes—and that Republicans are preventing from becoming law:

The Emmitt Till Unsolved Crimes bill: Would help heal old wounds and solve crimes that have continued to be unsolved and unpunished since the Civil Rights era.

The Runaway and Homeless Youth bill: Would provide grants for health care, education and workforce programs, and housing programs for runaways and homeless youth.

The Combating Child Exploitation bill: Would provide grants to train law enforcement to use technology to track individuals who trade child pornography. Establishes an Internet Crimes Against Children Task Force within the Office of Justice Programs.

The ALS Registry bill: WouId create a centralized database to help doctors and scientists treat and hopefully find a cure for ALS/Lou Gehrig's Disease, which afflicts 5,600 Americans every year.

The Christopher and Dana Reeve Paralysis Act: Would enhance cooperation in research, rehabilitation and quality of life for people who suffer from paralysis. Not only will this bill accelerate the discovery of better treatments and cures, but help improve the daily lives of the 2 million Americans who await a cure.

This is just the tip of the iceberg. These bills address important American priorities, have broad—virtually unanimous—bipartisan support, yet, all have fallen victim to just one or two Republicans.

Senate Democrats are not willing to allow this obstruction of a few to block the will of the Congress and the American people any longer. Republicans will have a choice: Will they join the side of the American people, or continue to stand beside one or two colleagues intent on blocking progress? I hope Republicans will end their obstruction and work with Democrats this week to pass this crucial and long-overdue legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Advancing America's Priorities Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—HEALTHCARE PROVISIONS

Subtitle A—ALS Registry Act

Sec. 1001. Short title.
Sec. 1002. Amendment to the Public Health Service Act.
Sec. 1003. Report on registries.

Subtitle B—Christoper and Dana Reeve Paralysis Act

Sec. 1101. Short title.

PART I—PARALYSIS RESEARCH

Sec. 1111. Expansion and coordination of activities of the National Institutes of Health with respect to research on paralysis.

PART II—PARALYSIS REHABILITATION RESEARCH AND CARE

Sec. 1121. Expansion and coordination of activities of the National Institutes of Health with respect to research with implications for enhancing daily function for persons with paralysis.

PART III—IMPROVING QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES

Sec. 1131. Programs to improve quality of life for persons with paralysis and other physical disabilities.

Subtitle C—Stroke Treatment and Ongoing Prevention Act

Sec. 1201. Short title.
Sec. 1202. Amendments to Public Health Service Act regarding stroke programs.
Sec. 1203. Pilot project on telehealth stroke treatment.
Sec. 1204. Rule of construction.

Subtitle D—Melanie Blocker Stokes MOTHERS Act

Sec. 1301. Short title.

PART I—RESEARCH ON POSTPARTUM CONDITIONS

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SEC. 1001. SHORT TITLE.

This subtitle may be cited as the ''ALS Registry Act''.

SEC. 1002. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) develop a system to collect data on amyotrophic lateral sclerosis (referred to in this section as 'ALS') and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

''(B) establish a national registry for the collection and storage of such data to develop a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

''(A) better describe the incidence and prevalence of ALS in the United States;

''(B) examine appropriate factors, such as environmental and occupational, that may be associated with the disease;

''(C) better outline key demographic factors (such as age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease) associated with the disease;

''(D) better examine the connection between ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

''(E) other matters as recommended by the Advisory Committee established under subsection (b).

''(b) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of not more than 27 members to be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, of which—

''(A) two-thirds of such members shall represent governmental agencies—

''(i) including at least one member representing—

''(I) the National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences;

''(II) the Department of Veterans Affairs;

''(III) the Agency for Toxic Substances and Disease Registry; and

''(IV) the Centers for Disease Control and Prevention; and

''(ii) of which at least one such member shall be a clinician with expertise on ALS and related diseases, an epidemiologist with experience in data registries, a statistician, an ethicist, and a privacy expert (relating to the privacy regulations under the Health Insurance Portability and Accountability Act of 1996); and

''(B) one-third of such members shall be public members, including at least one member representing—

''(i) national and voluntary health associations;

''(ii) patients with ALS or their family members;

''(iii) clinicians with expertise on ALS and related diseases;

''(iv) epidemiologists with experience in data registries;

''(v) geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases and

''(vi) other individuals with an interest in developing and maintaining the National ALS Registry.

''(2) DUTIES.—The Advisory Committee shall review information and make recommendations to the Secretary concerning—

''(A) the development and maintenance of the National ALS Registry;

''(B) the type of information to be collected and stored in the Registry;

''(C) the manner in which such data is to be collected;

''(D) the use and availability of such data including guidelines for such use; and

''(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

''(3) REPORT.—Not later than 270 days after the date on which the Advisory Committee is established, the Advisory Committee shall submit a report to the Secretary concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

''(c) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS after receiving the report under subsection (b)(3).

''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, which may include—

''(i) any registry pilot projects previously supported by the Centers for Disease Control and Prevention;

''(ii) the Department of Veterans Affairs ALS Registry;

''(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center at the National Institutes of Health;

''(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio, Texas, and Massachusetts;

''(v) State-based ALS registries;

''(vi) the National Vital Statistics System; and

''(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

''(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Consistent with applicable privacy statutes and regulations, the Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

''(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States with experience serving the population of individuals with ALS and have demonstrated experience in ALS research, care, and patient services.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 2009, $25,000,000 for fiscal year 2010, and $16,000,000 for each of fiscal years 2011 through 2013.''.

SEC. 1003. REPORT ON REGISTRIES.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report outlining—

(1) the registries currently under way;

(2) future planned registries;

(3) the criteria involved in determining what registries to conduct, defer, or suspend; and

(4) the scope of those registries.

The report shall also include a description of the activities the Secretary undertakes to establish partnerships with research and patient advocacy communities to expand registries.

Subtitle B—Christoper and Dana Reeve Paralysis Act

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the ''Christopher and Dana Reeve Paralysis Act''.

PART I—PARALYSIS RESEARCH

SEC. 1111. EXPANSION AND COORDINATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) COORDINATION.—The Director of the National Institutes of Health (referred to in this subtitle as the ''Director''), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may under subsection (a) make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded under grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic, translational and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication between members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT.—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

PART II—PARALYSIS REHABILITATION RESEARCH AND CARE

SEC. 1121. EXPANSION AND COORDINATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH.—Each multicenter clinical trial network may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members for scientific and translation purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks and ensure regular communication between members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

PART III—IMPROVING QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES

SEC. 1131. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this part referred to as the ''Secretary'') may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency and equality

of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, establish a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for each of fiscal years 2009 through 2012.

Subtitle C—Stroke Treatment and Ongoing Prevention Act

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the ''Stroke Treatment and Ongoing Prevention Act''.

SEC. 1202. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT REGARDING STROKE PROGRAMS.

(a) STROKE EDUCATION AND INFORMATION PROGRAMS.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART S—STROKE EDUCATION, INFORMATION, AND DATA COLLECTION PROGRAMS

''SEC. 399FF. STROKE PREVENTION AND EDUCATION CAMPAIGN.

''(a) IN GENERAL.—The Secretary shall carry out an education and information campaign to promote stroke prevention and increase the number of stroke patients who seek immediate treatment.

''(b) AUTHORIZED ACTIVITIES.—In implementing the education and information campaign under subsection (a), the Secretary may—

''(1) make public service announcements about the warning signs of stroke and the importance of treating stroke as a medical emergency;

''(2) provide education regarding ways to prevent stroke and the effectiveness of stroke treatment; and

''(3) carry out other activities that the Secretary determines will promote prevention practices among the general public and increase the number of stroke patients who seek immediate care.

''(c) MEASUREMENTS.—In implementing the education and information campaign under subsection (a), the Secretary shall—

''(1) measure public awareness before the start of the campaign to provide baseline data that will be used to evaluate the effectiveness of the public awareness efforts;

''(2) establish quantitative benchmarks to measure the impact of the campaign over time; and

''(3) measure the impact of the campaign not less than once every 2 years or, if determined appropriate by the Secretary, at shorter intervals.

''(d) NO DUPLICATION OF EFFORT.—In carrying out this section, the Secretary shall avoid duplicating existing stroke education efforts by other Federal Government agencies.

''(e) CONSULTATION.—In carrying out this section, the Secretary may consult with organizations and individuals with expertise in stroke prevention, diagnosis, treatment, and rehabilitation.

''SEC. 399GG. PAUL COVERDELL NATIONAL ACUTE STROKE REGISTRY AND CLEARINGHOUSE.

''The Secretary, acting through the Centers for Disease Control and Prevention, shall maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse by—

''(1) continuing to develop and collect specific data points and appropriate benchmarks for analyzing care of acute stroke patients;

''(2) collecting, compiling, and disseminating information on the achievements of, and problems experienced by, State and local agencies and private entities in developing and implementing emergency medical systems and hospital-based quality of care interventions; and

''(3) carrying out any other activities the Secretary determines to be useful to maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse to reflect the latest advances in all forms of stroke care.

''SEC. 399HH. STROKE DEFINITION.

''For purposes of this part, the term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

''SEC. 399II. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part $5,000,000 for each of fiscal years 2009 through 2013.''.

(b) EMERGENCY MEDICAL PROFESSIONAL DEVELOPMENT.—Section 1251 of the Public Health Service Act (42 U.S.C. 300d–51) is amended to read as follows:

''SEC. 1251. MEDICAL PROFESSIONAL DEVELOPMENT IN ADVANCED STROKE AND TRAUMATIC INJURY TREATMENT AND PREVENTION.

''(a) RESIDENCY AND OTHER PROFESSIONAL TRAINING.—The Secretary may make grants to public and nonprofit entities for the purpose of planning, developing, and enhancing approved residency training programs and other professional training for appropriate health professions in emergency medicine, including emergency medical services professionals, to improve stroke and traumatic injury prevention, diagnosis, treatment, and rehabilitation.

''(b) CONTINUING EDUCATION ON STROKE AND TRAUMATIC INJURY.—

''(1) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to qualified entities for the development and implementation of education programs for appropriate health care professionals in the use of newly developed diagnostic approaches, technologies, and therapies for health professionals involved in the prevention, diagnosis, treatment, and rehabilitation of stroke or traumatic injury.

''(2) DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall give preference to qualified entities that will train health care professionals that serve areas with a significant incidence of stroke or traumatic injuries.

''(3) APPLICATION.—A qualified entity desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with amounts received under the grant.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'qualified entity' means a consortium of public and private entities, such as universities, academic medical centers, hospitals, and emergency medical systems that are coordinating education activities among providers serving in a variety of medical settings.

''(B) The term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

''(c) REPORT.—Not later than 1 year after the allocation of grants under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of activities carried out with amounts received under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2009 through 2013. The Secretary shall equitably allocate the funds authorized to be appropriated under this section between efforts to address stroke and efforts to address traumatic injury.''.

SEC. 1203. PILOT PROJECT ON TELEHEALTH STROKE TREATMENT.

(a) ESTABLISHMENT.—Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after section 330L the following:

''SEC. 330M. TELEHEALTH STROKE TREATMENT GRANT PROGRAM.

''(a) GRANTS.—The Secretary may make grants to States, and to consortia of public and private entities located in any State that is not a grantee under this section, to conduct a 5-year pilot project over the period of fiscal years 2008 through 2012 to improve stroke patient outcomes by coordinating health care delivery through telehealth networks.

''(b) ADMINISTRATION.—The Secretary shall administer this section through the Director of the Office for the Advancement of Telehealth.

''(c) CONSULTATION.—In carrying out this section, for the purpose of better coordinating program activities, the Secretary shall consult with—

''(1) officials responsible for other Federal programs involving stroke research and care, including such programs established by the Stroke Treatment and Ongoing Prevention Act; and

''(2) organizations and individuals with expertise in stroke prevention, diagnosis, treatment, and rehabilitation.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—The Secretary may not make a grant to a State or a consortium under this section unless the State or consortium agrees to use the grant for the purpose of—

''(A) identifying entities with expertise in the delivery of high-quality stroke prevention, diagnosis, treatment, and rehabilitation;

''(B) working with those entities to establish or improve telehealth networks to provide stroke treatment assistance and resources to health care professionals, hospitals, and other individuals and entities that serve stroke patients;

''(C) informing emergency medical systems of the location of entities identified under subparagraph (A) to facilitate the appropriate transport of individuals with stroke symptoms;

''(D) establishing networks to coordinate collaborative activities for stroke prevention, diagnosis, treatment, and rehabilitation;

''(E) improving access to high-quality stroke care, especially for populations with a shortage of stroke care specialists and populations with a high incidence of stroke; and

''(F) conducting ongoing performance and quality evaluations to identify collaborative activities that improve clinical outcomes for stroke patients.

''(2) ESTABLISHMENT OF CONSORTIUM.—The Secretary may not make a grant to a State under this section unless the State agrees to establish a consortium of public and private entities, including universities and academic medical centers, to carry out the activities described in paragraph (1).

''(3) PROHIBITION.—The Secretary may not make a grant under this section to a State that has an existing telehealth network that is or may be used for improving stroke prevention, diagnosis, treatment, and rehabilitation, or to a consortium located in such a State, unless the State or consortium agrees that—

''(A) the State or consortium will use an existing telehealth network to achieve the purpose of the grant; and

''(B) the State or consortium will not establish a separate network for such purpose.

''(e) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to any applicant that submits a plan demonstrating how the applicant, and where applicable the members of the consortium described in subsection (d)(2), will use the grant to improve access to high-quality stroke care for populations with shortages of stroke-care specialists and populations with a high incidence of stroke.

''(f) GRANT PERIOD.—The Secretary may not award a grant to a State or a consortium under this section for any period that—

''(1) is greater than 3 years; or

''(2) extends beyond the end of fiscal year 2012.

''(g) RESTRICTION ON NUMBER OF GRANTS.—In carrying out the 5-year pilot project under this section, the Secretary may not award more than 7 grants.

''(h) APPLICATION.—To seek a grant under this section, a State or a consortium of public and private entities shall submit an application to the Secretary in such form, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require each such application to outline how the State or consortium will establish baseline measures and benchmarks to evaluate program outcomes.

''(i) DEFINITION.—In this section, the term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2009, $13,000,000 for fiscal year 2010, $15,000,000 for fiscal year 2011, $8,000,000 for fiscal year 2012, and $4,000,000 for fiscal year 2013.''.

(b) STUDY; REPORTS.—

(1) FINAL REPORT.—Not later than March 31, 2014, the Secretary of Health and Human Services shall conduct a study of the results of the telehealth stroke treatment grant program under section 330M of the Public Health Service Act (added by subsection (a)) and submit to the Congress a report on such results that includes the following:

(A) An evaluation of the grant program outcomes, including quantitative analysis of baseline and benchmark measures.

(B) Recommendations on how to promote stroke networks in ways that improve access to clinical care in rural and urban areas and reduce the incidence of stroke and the debilitating and costly complications resulting from stroke.

(C) Recommendations on whether similar telehealth grant programs could be used to improve patient outcomes in other public health areas.

(2) INTERIM REPORTS.—The Secretary of Health and Human Services may provide interim reports to the Congress on the telehealth stroke treatment grant program under section 330M of the Public Health Service Act (added by subsection (a)) at such intervals as the Secretary determines to be appropriate.

SEC. 1204. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to authorize the Secretary of Health and Human Services to establish Federal standards for the treatment of patients or the licensure of health care professionals.

Subtitle D—Melanie Blocker Stokes MOTHERS Act

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Melanie Blocker Stokes Mom's Opportunity to Access Health, Education, Research, and Support for Postpartum Depression Act'' or the ''Melanie Blocker Stokes MOTHERS Act''.

PART I—RESEARCH ON POSTPARTUM CONDITIONS

SEC. 1311. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

(a) DEFINITIONS.—For purposes of this subtitle—

(1) the term ''postpartum conditions'' means postpartum depression and postpartum psychosis; and

(2) the term ''Secretary'' means the Secretary of Health and Human Services.

(b) CONTINUATION OF ACTIVITIES.—The Secretary is encouraged to continue activities on postpartum conditions.

(c) PROGRAMS FOR POSTPARTUM CONDITIONS.—In carrying out subsection (b), the Secretary is encouraged to continue research to expand the understanding of the causes of, and treatments for, postpartum conditions. Activities under such subsection shall include conducting and supporting the following:

(1) Basic research concerning the etiology and causes of the conditions.

(2) Epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions.

(3) The development of improved screening and diagnostic techniques.

(4) Clinical research for the development and evaluation of new treatments.

(5) Information and education programs for health care professionals and the public, which may include a coordinated national campaign to increase the awareness and knowledge of postpartum conditions. Activities under such a national campaign may—

(A) include public service announcements through television, radio, and other means; and

(B) focus on—

(i) raising awareness about screening;

(ii) educating new mothers and their families about postpartum conditions to promote earlier diagnosis and treatment; and

(iii) ensuring that such education includes complete information concerning postpartum conditions, including its symptoms, methods of coping with the illness, and treatment resources.

SEC. 1312. SENSE OF CONGRESS REGARDING LONGITUDINAL STUDY OF RELATIVE MENTAL HEALTH CONSEQUENCES FOR WOMEN OF RESOLVING A PREGNANCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the National Institute of Mental Health may conduct a nationally representative longitudinal study (during the period of fiscal years 2008 through 2018) of the relative mental health consequences for women of resolving a pregnancy (intended and unintended) in various ways, including carrying the pregnancy to term and parenting the child, carrying the pregnancy to term and placing the child for adoption, miscarriage, and having an abortion. This study may assess the incidence, timing, magnitude, and duration of the immediate and long-term mental health consequences (positive or negative) of these pregnancy outcomes.

(b) REPORT.—Subject to the completion of the study under subsection (a), beginning not later than 5 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study, such Director may prepare and submit to the Congress reports on the findings of the study.

PART II—DELIVERY OF SERVICES REGARDING POSTPARTUM CONDITIONS

SEC. 1321. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) IN GENERAL.—The Secretary may in accordance with this part make grants to provide for projects for the establishment, operation, and coordination of effective and cost-

efficient systems for the delivery of essential services to individuals with a postpartum condition and their families.

(b) RECIPIENTS OF GRANT.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government, a public-private partnership, a recipient of a grant under the Healthy Start program under section 330H of the Public Health Service Act (42 U.S.C. 254c–8), a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, public housing primary care center, or homeless health center, or any other appropriate public or nonprofit private entity.

(c) CERTAIN ACTIVITIES.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide education and services with respect to the diagnosis and management of postpartum conditions. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient and home-based health and support services, including case management and comprehensive treatment services for individuals with or at risk for postpartum conditions, and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that ensure the well-being of the mother and family and the future development of the infant.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with a postpartum condition and support services for their families.

(4) Providing education to new mothers and, as appropriate, their families about postpartum conditions to promote earlier diagnosis and treatment. Such education may include—

(A) providing complete information on postpartum conditions, symptoms, methods of coping with the illness, and treatment resources; and

(B) in the case of a grantee that is a State, hospital, or birthing facility—

(i) providing education to new mothers and fathers, and other family members as appropriate, concerning postpartum conditions before new mothers leave the health facility; and

(ii) ensuring that training programs regarding such education are carried out at the health facility.

(d) INTEGRATION WITH OTHER PROGRAMS.—To the extent practicable and appropriate, the Secretary may integrate the program under this part with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

SEC. 1322. CERTAIN REQUIREMENTS.

A grant may be made under section 1321 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of postpartum conditions.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 1321(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 1321(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

(6) For each grant period, the applicant will submit to the Secretary a report that describes how grant funds were used during such period.

SEC. 1323. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this part in order to make such entities eligible to receive grants under section 1321.

PART III—GENERAL PROVISIONS

SEC. 1331. AUTHORIZATION OF APPROPRIATIONS.

To carry out this subtitle and the amendments made by this subtitle, there are authorized to be appropriated, in addition to such other sums as may be available for such purpose—

(1) $3,000,000 for fiscal year 2009; and

(2) such sums as may be necessary for fiscal years 2010 and 2011.

SEC. 1332. REPORT BY THE SECRETARY.

(a) STUDY.—The Secretary shall conduct a study on the benefits of screening for postpartum conditions.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete the study required by subsection (a) and submit a report to the Congress on the results of such study.

SEC. 1333. LIMITATION.

Notwithstanding any other provision of this subtitle, the Secretary may not utilize amounts made available under subtitle to carry out activities or programs that are duplicative of activities or programs that are currently being carried out through the Department of Health and Human Services.

Subtitle E—Vision Care for Kids Act of 2008

SEC. 1401. SHORT TITLE.

The subtitle may be cited as the ''Vision Care for Kids Act of 2008''.

SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) Millions of children in the United States suffer from vision problems, many of which go undetected. Because children with vision problems can struggle developmentally, resulting in physical, emotional, and social consequences, good vision is essential for proper physical development and educational progress.

(2) Vision problems in children range from common conditions such as refractive errors, amblyopia, strabismus, ocular trauma, and infections, to rare but potentially life- or sight-threatening problems such as retinoblastoma, infantile cataracts, congenital glaucoma, and genetic or metabolic diseases of the eye.

(3) Since many serious ocular conditions are treatable if identified in the preschool and early school-age years, early detection provides the best opportunity for effective treatment and can have far-reaching implications for vision.

(4) Various identification methods, including vision screening and comprehensive eye examinations required by State laws, can be helpful in identifying children needing services. A child identified as needing services through vision screening should receive a comprehensive eye examination followed by subsequent treatment as needed. Any child identified as needing services should have access to subsequent treatment as needed.

(5) There is a need to increase public awareness about the prevalence and devastating consequences of vision disorders in children and to educate the public and health care providers about the warning signs and symptoms of ocular and vision disorders and the benefits of early detection, evaluation, and treatment.

SEC. 1403. GRANTS REGARDING VISION CARE FOR CHILDREN.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, may award grants to States on the basis of an established review process for the purpose of complementing existing State efforts for—

(1) providing comprehensive eye examinations by a licensed optometrist or ophthalmologist for children who have been previously identified through a vision screening or eye examination by a licensed health care provider or vision screener as needing such services, with priority given to children who are under the age of 9 years;

(2) providing treatment or services, subsequent to the examinations described in paragraph (1), necessary to correct vision problems; and

(3) developing and disseminating, to parents, teachers, and health care practitioners, educational materials on recognizing signs of visual impairment in children.

(b) CRITERIA AND COORDINATION.—

(1) CRITERIA.—The Secretary, in consultation with appropriate professional and patient organizations including individuals with knowledge of age appropriate vision services, shall develop criteria—

(A) governing the operation of the grant program under subsection (a); and

(B) for the collection of data related to vision assessment and the utilization of follow-up services.

(2) COORDINATION.—The Secretary shall, as appropriate, coordinate the program under subsection (a) with the program under section 330 of the Public Health Service Act (relating to health centers) (42 U.S.C. 254b), the program under title XIX of the Social Security Act (relating to the Medicaid program) (42 U.S.C. 1396 et seq.), the program under title XXI of such Act (relating to the State children's health insurance program) (42 U.S.C. 1397aa et seq.), and with other Federal or State programs that provide services to children.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application in such form, made in such manner, and containing such information as the Secretary may require, including—

(1) information on existing Federal, Federal-State, or State-funded children's vision programs;

(2) a plan for the use of grant funds, including how funds will be used to complement existing State efforts (including possible partnerships with non-profit entities);

(3) a plan to determine if a grant eligible child has been identified as provided for in subsection (a); and

(4) a description of how funds will be used to provide items or services, only as a secondary payer—

(A) for an eligible child, to the extent that the child is not covered for the items or services under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) for an eligible child, to the extent that the child receives the items or services from an entity that provides health services on a prepaid basis.

(d) EVALUATIONS.—To be eligible to receive a grant under subsection (a), a State shall agree that, not later than 1 year after the date on which amounts under the grant are first received by the State, and annually thereafter while receiving amounts under the grant, the State will submit to the Secretary an evaluation of the operations and activities carried out under the grant, including—

(1) an assessment of the utilization of vision services and the status of children receiving these services as a result of the activities carried out under the grant;

(2) the collection, analysis, and reporting of children's vision data according to guidelines prescribed by the Secretary; and

(3) such other information as the Secretary may require.

(e) LIMITATIONS IN EXPENDITURE OF GRANT.—A grant may be made under subsection (a) only if the State involved agrees that the State will not expend more than 20 percent of the amount received under the grant to carry out the purpose described in paragraph (3) of such subsection.

(f) MATCHING FUNDS.—

(1) IN GENERAL.—With respect to the costs of the activities to be carried out with a grant under subsection (a), a condition for the receipt of the grant is that the State involved agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(g) DEFINITION.—For purposes of this section, the term ''comprehensive eye examination'' includes an assessment of a patient's history, general medical observation, external and ophthalmoscopic examination, visual acuity, ocular alignment and motility, refraction, and as appropriate, binocular vision or gross visual fields, performed by an optometrist or an ophthalmologist.

(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $65,000,000 for the period of fiscal years 2009 through 2013.

Subtitle F—Prenatally and Postnatally Diagnosed Conditions Awareness Act

SEC. 1501. SHORT TITLE.

This subtitle may be cited As the ''Prenatally and Postnatally Diagnosed Conditions Awareness Act''.

SEC. 1502. PURPOSES.

It is the purpose of this subtitle to—

(1) increase patient referrals to providers of key support services for women who have received a positive diagnosis for Down syndrome, or other prenatally or postnatally diagnosed conditions, as well as to provide up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

(2) strengthen existing networks of support through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and other patient and provider outreach programs; and

(3) ensure that patients receive up-to-date, evidence-based information about the accuracy of the test.

SEC. 1503. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 1002, is further amended by adding at the end the following:

''SEC. 399S. SUPPORT FOR PATIENTS RECEIVING A POSITIVE DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY OR POSTNATALLY DIAGNOSED CONDITIONS.

''(a) DEFINITIONS.—In this section:

''(1) DOWN SYNDROME.—The term 'Down syndrome' refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

''(3) POSTNATALLY DIAGNOSED CONDITION.—The term 'postnatally diagnosed condition' means any health condition identified during the 12-month period beginning at birth.

''(4) PRENATALLY DIAGNOSED CONDITION.—The term 'prenatally diagnosed condition' means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

''(5) PRENATAL TEST.—The term 'prenatal test' means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered on a required or recommended basis by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

''(b) INFORMATION AND SUPPORT SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts or cooperative agreements to eligible entities, to—

''(A) collect, synthesize, and disseminate current evidence-based information relating to Down syndrome or other prenatally or postnatally diagnosed conditions; and

''(B) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions, including—

''(i) the establishment of a resource telephone hotline accessible to patients receiving a positive test result or to the parents of newly diagnosed infants with Down syndrome and other diagnosed conditions;

''(ii) the expansion and further development of the National Dissemination Center for Children with Disabilities, so that such Center can more effectively conduct outreach to new and expecting parents and provide them with up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

''(iii) the expansion and further development of national and local peer-support programs, so that such programs can more effectively serve women who receive a positive diagnosis for Down syndrome or other prenatal conditions or parents of infants with a postnatally diagnosed condition;

''(iv) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions, with families willing to adopt; and

''(v) the establishment of awareness and education programs for health care providers who provide, interpret, or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions, to patients, consistent with the purpose described in section 2(b)(1) of the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or a political subdivision of a State;

''(B) a consortium of 2 or more States or political subdivisions of States;

''(C) a territory;

''(D) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

''(E) any other entity with appropriate expertise in prenatally and postnatally diagnosed conditions (including nationally recognized disability groups), as determined by the Secretary.

''(3) DISTRIBUTION.—In distributing funds under this subsection, the Secretary shall place an emphasis on funding partnerships between health care professional groups and disability advocacy organizations.

''(c) PROVISION OF INFORMATION TO PROVIDERS.—

''(1) IN GENERAL.—A grantee under this section shall make available to health care providers of parents who receive a prenatal or postnatal diagnosis the following:

''(A) Up-to-date, evidence-based, written information concerning the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes.

''(B) Contact information regarding support services, including information hotlines specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, national and local peer support groups, and other education and support programs as described in subsection (b)(2).

''(2) INFORMATIONAL REQUIREMENTS.—Information provided under this subsection shall be—

''(A) culturally and linguistically appropriate as needed by women receiving a positive prenatal diagnosis or the family of infants receiving a postnatal diagnosis; and

''(B) approved by the Secretary.

''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.''.

TITLE II—JUDICIARY PROVISIONS

Subtitle A—Reconnecting Homeless Youth Act of 2008

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the ''Reconnecting Homeless Youth Act of 2008''.

SEC. 2102. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

''(A) safety and structure;

''(B) belonging and membership;

''(C) self-worth and social contribution;

''(D) independence and control over one's life; and

''(E) closeness in interpersonal relationships.''.

SEC. 2103. BASIC CENTER PROGRAM.

(a) SERVICES PROVIDED.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B), by striking clause (i) and inserting the following:

''(i) safe and appropriate shelter provided for not to exceed 21 days; and''; and

(2) in subsection (b)(2)—

(A) by striking ''(2) The'' and inserting ''(2)(A) Except as provided in subparagraph (B), the'';

(B) by striking ''$100,000'' and inserting ''$200,000'';

(C) by striking ''$45,000'' and inserting ''$70,000''; and

(D) by adding at the end the following:

''(B) For fiscal years 2009 and 2010, the amount allotted under paragraph (1) with respect to a State for a fiscal year shall be not less than the amount allotted under paragraph (1) with respect to such State for fiscal year 2008.

''(C) Whenever the Secretary determines that any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallot such part to the remaining States for obligation for the fiscal year.''.

(b) ELIGIBILITY.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13) shall develop an adequate emergency preparedness and management plan.''.

SEC. 2104. TRANSITIONAL LIVING GRANT PROGRAM.

(a) ELIGIBILITY.—Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''directly or indirectly'' and inserting ''by grant, agreement, or contract''; and

(B) by striking ''services'' the first place it appears and inserting ''provide, by grant, agreement, or contract, services,'';

(2) in paragraph (2), by striking ''a continuous period not to exceed 540 days, except that'' and all that follows and inserting the following: ''a continuous period not to exceed 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, if otherwise qualified for the program, remain in the program until the youth's 18th birthday;'';

(3) in paragraph (14), by striking ''and'' at the end;

(4) in paragraph (15), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(16) to develop an adequate emergency preparedness and management plan.''.

SEC. 2105. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''special consideration'' and inserting ''priority'';

(B) in paragraph (8)—

(i) by striking ''to health'' and inserting ''to quality health'';

(ii) by striking ''mental health care'' and inserting ''behavioral health care''; and

(iii) by striking ''and'' at the end;

(C) in paragraph (9), by striking the period at the end and inserting '', including access to educational and workforce programs to achieve outcomes such as decreasing secondary school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement and retention in postsecondary education or advanced workforce training programs; and''; and

(D) by adding at the end the following:

''(10) providing programs, including innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and which may include programs with supportive services that continue after the youth complete the remainder of the programs.''; and

(2) by striking subsection (c) and inserting the following:

''(c) In selecting among applicants for grants under subsection (a), the Secretary shall—

''(1) give priority to applicants who have experience working with runaway or homeless youth; and

''(2) ensure that the applicants selected—

''(A) represent diverse geographic regions of the United States; and

''(B) carry out projects that serve diverse populations of runaway or homeless youth.''.

SEC. 2106. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21 et seq.) is amended by adding at the end the following:

''SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

''(a) PERIODIC ESTIMATE.—Not later than 2 years after the date of enactment of the Reconnecting Homeless Youth Act of 2008, and at 5-year intervals thereafter, the Secretary, in consultation with the United States Interagency Council on Homelessness, shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate, and make available to the public, a report—

''(1) by using the best quantitative and qualitative social science research methods available, containing an estimate of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age; and

''(2) that includes with such estimate an assessment of the characteristics of such individuals.

''(b) CONTENT.—The report required by subsection (a) shall include—

''(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age, to determine past and current—

''(A) socioeconomic characteristics of such individuals; and

''(B) barriers to such individuals obtaining—

''(i) safe, quality, and affordable housing;

''(ii) comprehensive and affordable health insurance and health services; and

''(iii) incomes, public benefits, supportive services, and connections to caring adults; and

''(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

''(c) IMPLEMENTATION.—If the Secretary enters into any contract with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.''.

SEC. 2107. SEXUAL ABUSE PREVENTION PROGRAM.

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–41(b)) is amended by inserting ''public and'' after ''priority to''.

SEC. 2108. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

''PART F—NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN

''SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

''(a) IN GENERAL.—The Secretary shall, directly or through grants or contracts, conduct a national homeless youth awareness campaign (referred to in this section as the 'national awareness campaign') in accordance with this section for purposes of—

''(1) increasing awareness of individuals of all ages, socioeconomic backgrounds, and geographic locations, of the issues facing runway and homeless youth, the resources available for these youth, and the tools available for the prevention of runaway and homeless youth situations; and

''(2) encouraging parents, guardians, educators, health care professionals, social service professionals, law enforcement officials, and other community members to seek to prevent runaway youth and youth homelessness by assisting youth in averting or resolving runaway and homeless youth situations.

''(b) USE OF FUNDS.—Funds made available to carry out this section for the national awareness campaign may be used only for the following:

''(1) The dissemination of educational information and materials through various media, including television, radio, the Internet and related technologies, and emerging technologies.

''(2) Partnerships, including outreach activities, with national organizations concerned with youth homelessness, community-based youth service organizations (including faith-based organizations), and government organizations, related to the national awareness campaign.

''(3) In accordance with applicable laws (including regulations), the development and placement of public service announcements, in telecommunications media, including the Internet and related technologies and emerging technologies, that educate the public on—

''(A) the issues facing runaway and homeless youth (or youth considering running away); and

''(B) the opportunities that adults have to assist youth described in subparagraph (A).

''(4) Evaluation of the effectiveness of the national awareness campaign.

''(c) PROHIBITIONS.—None of the funds made available under section 388(a)(5) may be obligated or expended for any of the following:

''(1) For activities that supplant pro bono public service time donated by national or local broadcasting networks, advertising agencies, or production companies, or supplant other pro bono work for the national awareness campaign.

''(2) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

''(3) To fund advertising that features any person seeking elected office.

''(4) To fund advertising that does not contain a primary message intended to educate the public on—

''(A) the issues facing runaway and homeless youth (or youth considering running away); and

''(B) on the opportunities that adults have to help youth described in subparagraph (A).

''(5) To fund advertising that solicits contributions to support the national awareness campaign.

''(d) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Secretary shall perform—

''(1) audits and reviews of costs of the national awareness campaign, pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

''(2) an audit to determine whether the costs of the national awareness campaign are allowable under section 306 of such Act (41 U.S.C. 256).

''(e) REPORT.—The Secretary shall include in each report submitted under section 382 a summary of information about the national awareness campaign that describes—

''(1) the activities undertaken by the national awareness campaign;

''(2) steps taken to ensure that the national awareness campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national awareness campaign; and

''(3) each grant made to, or contract entered into with, a particular corporation, partnership, or individual working on the national awareness campaign.''.

SEC. 2109. CONFORMING AMENDMENTS.

(a) REPORTS.—Section 382(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5715(a)) is amended by striking '', and E'' and inserting '', E, and F''.

(b) CONSOLIDATED REVIEW.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5731a) is amended by striking '', and E'' and inserting '', E, and F''.

(c) EVALUATION AND INFORMATION.—Section 386(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5732(a)) is amended by striking '', or E'' and inserting '', E, or F''.

SEC. 2110. PERFORMANCE STANDARDS.

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.), as redesignated by section 2108, is amended by inserting after section 386 the following:

''SEC. 386A. PERFORMANCE STANDARDS.

''(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Reconnecting Homeless Youth Act of 2008, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities and agencies that receive grants under sections 311, 321, and 351.

''(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities and agencies that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

''(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under sections 311, 321, and 351.''.

SEC. 2111. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study, including making findings and recommendations, relating to the processes for making grants under parts A, B, and E of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq., 5714–1 et seq., 5714–41).

(2) SUBJECTS.—In particular, the Comptroller General shall study—

(A) the Secretary's written responses to and other communications with applicants who do not receive grants under part A, B, or E of such Act, to determine if the information provided in the responses and communications is conveyed clearly;

(B) the content and structure of the grant application documents, and of other associated documents (including grant announcements), to determine if the requirements of the applications and other associated documents are presented and structured in a way that gives an applicant a clear understanding of the information that the applicant must provide in each portion of an application to successfully complete it, and a clear understanding of the terminology used throughout the application and other associated documents;

(C) the peer review process for applications for the grants, including the selection of peer reviewers, the oversight of the process by staff of the Department of Health and Human Services, and the extent to which such staff make funding determinations based on the comments and scores of the peer reviewers;

(D) the typical timeframe, and the process and responsibilities of such staff, for responding to applicants for the grants, and the efforts made by such staff to communicate with the applicants when funding decisions or funding for the grants is delayed, such as when funding is delayed due to funding of a program through appropriations made under a continuing resolution; and

(E) the plans for implementation of, and the implementation of, where practicable, the technical assistance and training programs carried out under section 342 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–22), and the effect of such programs on the application process for the grants.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report containing the findings and recommendations resulting from the study.

SEC. 2112. DEFINITIONS.

(a) HOMELESS YOUTH.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''The'' and all that follows through ''means'' and inserting ''The term 'homeless', used with respect to a youth, means''; and

(2) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''not more than'' each place it appears and inserting ''less than''; and

(ii) by inserting after ''age'' the last place it appears the following: '', or is less than a higher maximum age if the State where the center is located has an applicable State or local law (including a regulation) that permits such higher maximum age in compliance with licensure requirements for child- and youth-serving facilities''; and

(B) in clause (ii), by striking ''age;'' and inserting the following: ''age and either—

''(I) less than 22 years of age; or

''(II) not less than 22 years of age, as of the expiration of the maximum period of stay permitted under section 322(a)(2) if such individual commences such stay before reaching 22 years of age;''.

(b) RUNAWAY YOUTH.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RUNAWAY YOUTH.—The term 'runaway', used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.''.

SEC. 2113. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''is authorized'' and inserting ''are authorized'';

(B) by striking ''part E) $105,000,000 for fiscal year 2004'' and inserting ''section 345 and parts E and F) $150,000,000 for fiscal year 2009''; and

(C) by striking ''2005, 2006, 2007, and 2008'' and inserting ''2010, 2011, 2012, and 2013'';

(2) in paragraph (3)—

(A) by striking ''In'' and inserting the following:

''(A) IN GENERAL.—In'';

(B) by inserting ''(other than section 345)'' before the period; and

(C) by adding at the end the following:

''(B) PERIODIC ESTIMATE.—There are authorized to be appropriated to carry out section 345 such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013.'';

(3) in paragraph (4)—

(A) by striking ''is authorized'' and inserting ''are authorized''; and

(B) by striking ''such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''$30,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013''; and

(4) by adding at the end the following:

''(5) PART F.—There are authorized to be appropriated to carry out part F $3,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.''.

Subtitle B—Emmett Till Unsolved Civil Rights Crimes Act of 2007

SEC. 2201. SHORT TITLE.

This subtitle may be cited as the ''Emmett Till Unsolved Civil Rights Crime Act of 2007''.

SEC. 2202. SENSE OF CONGRESS.

It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

SEC. 2203. DEPUTY CHIEF OF THE CRIMINAL SECTION OF THE CIVIL RIGHTS DIVISION.

(a) IN GENERAL.—The Attorney General shall designate a Deputy Chief in the Criminal Section of the Civil Rights Division of the Department of Justice (in this subtitle referred to as the ''Deputy Chief'').

(b) RESPONSIBILITY.—

(1) IN GENERAL.—The Deputy Chief shall be responsible for coordinating the investigation and prosecution of violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.

(2) COORDINATION.—In investigating a complaint under paragraph (1), the Deputy Chief may coordinate investigative activities with State and local law enforcement officials.

(c) STUDY AND REPORT.—

(1) STUDY.—The Attorney General shall annually conduct a study of the cases under the jurisdiction of the Deputy Chief or under the jurisdiction of the Supervisory Special Agent and, in conducting the study, shall determine—

(A) the number of open investigations within the Department of Justice for violations of criminal civil rights statutes that occurred not later than December 31, 1969;

(B) the number of new cases opened pursuant to this subtitle since the most recent study conducted under this paragraph;

(C) the number of unsealed Federal cases charged within the study period, including the case names, the jurisdiction in which the charges were brought, and the date the charges were filed;

(D) the number of cases referred by the Department of Justice to a State or local law enforcement agency or prosecutor within the study period, the number of such cases that resulted in State charges being filed, the jurisdiction in which such charges were filed, the date the charges were filed, and if a jurisdiction declines to prosecute or participate in an investigation of a case so referred, the fact it did so;

(E) the number of cases within the study period that were closed without Federal prosecution, the case names of unsealed Federal cases, the dates the cases were closed, and the relevant Federal statutes;

(F) the number of attorneys who worked, in whole or in part, on any case described in subsection (b)(1); and

(G) the applications submitted for grants under section 2205, the award of such grants, and the purposes for which the grant amount were expended.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Attorney General shall prepare and submit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 2204. SUPERVISORY SPECIAL AGENT IN THE CIVIL RIGHTS UNIT OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—The Attorney General shall designate a Supervisory Special Agent in the Civil Rights Unit of the Federal Bureau of Investigation of the Department of Justice (in this subtitle referred to as the ''Supervisory Special Agent'').

(b) RESPONSIBILITY.—

(1) IN GENERAL.—The Supervisory Special Agent shall be responsible for investigating violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.

(2) COORDINATION.—In investigating a complaint under paragraph (1), the Supervisory Special Agent may coordinate the investigative activities with State and local law enforcement officials.

SEC. 2205. GRANTS TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General may make grants to State or local law enforcement agencies for expenses associated with the investigation and prosecution of criminal offenses, involving civil rights, that occurred not later than December 31, 1969, and resulted in a death.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of fiscal years 2008 through 2017 to carry out this section.

SEC. 2206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated, in addition to any other amounts otherwise authorized to be appropriated for this purpose, to the Attorney General $10,000,000 for each of fiscal years 2008 through 2017 for investigating and prosecuting violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death. Amounts appropriated pursuant to this subsection shall be allocated by the Attorney General to the Deputy Chief and the Supervisory Special Agent in order to advance the purposes set forth in this subtitle.

(b) COMMUNITY RELATIONS SERVICE OF THE DEPARTMENT OF JUSTICE.—In addition to any amounts authorized to be appropriated under title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.), there are authorized to be appropriated to the Community Relations Service of the Department of Justice $1,500,000 for fiscal year 2008 and each subsequent fiscal year, to enable the Community Relations Service (in carrying out the functions described in title X of such Act (42 U.S.C. 2000g et seq.)) to provide technical assistance by bringing together law enforcement agencies and communities in the investigation of violations of criminal civil rights statutes, in cases described in section 2204(b).

SEC. 2207. DEFINITION OF CRIMINAL CIVIL RIGHTS STATUTES.

In this subtitle, the term ''criminal civil rights statutes'' means—

(1) section 241 of title 18, United States Code (relating to conspiracy against rights);

(2) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(3) section 245 of title 18, United States Code (relating to federally protected activities);

(4) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(5) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(6) any other Federal law that—

(A) was in effect on or before December 31, 1969; and

(B) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, before the date of enactment of this Act.

SEC. 2208. SUNSET.

Sections 2202 through 2206 of this subtitle shall cease to have force or effect at the end of fiscal year 2017.

SEC. 2209. AUTHORITY OF INSPECTORS GENERAL.

Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by adding at the end the following:

''SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.

''(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

''(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

''(2) by engaging in similar activities.

''(b) LIMITATIONS.—

''(1) PRIORITY.—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

''(2) FUNDING.—No additional funds are authorized to be appropriated to carry out this section.''.

Subtitle C—Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008

SEC. 2301. SHORT TITLE.

This subtitle may be cited as the ''Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008''.

SEC. 2302. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Los Angeles County Jail and New York's Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

SEC. 2303. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793aa(h)) is amended—

(1) in paragraph (1), by striking at the end ''and'';

(2) in paragraph (2), by striking ''for fiscal years 2006 through 2009.'' and inserting ''for each of the fiscal years 2006 and 2007; and''; and

(3) by adding at the end the following new paragraph:

''(3) $75,000,000 for each of the fiscal years 2009 through 2014.''.

(b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) (as added by subsection (a)(3)) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(2) by striking ''There are authorized'' and inserting ''(1) IN GENERAL.—There are authorized''; and

(3) by adding at the end the following new paragraph:

''(2) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.''.

(c) ADDITIONAL APPLICATIONS RECEIVING PRIORITY.—Subsection (c) of such section is amended to read as follows:

''(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

''(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

''(2) promote effective strategies for identification and treatment of female mentally ill offenders; or

''(3)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

''(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

''(C) document, in the case of an application for a grant to be used in whole or in part

to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

''(D) have the support of both the Attorney General and the Secretary.''.

SEC. 2304. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

(a) IN GENERAL.—Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by adding at the end the following new section:

''SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

''(a) AUTHORIZATION.—The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

''(1) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(2) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

''(3) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

''(4) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

''(5) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(b) BJA TRAINING MODELS.—For purposes of subsection (a)(1), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

''(c) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this section may not exceed 75 percent of the costs of the program unless the Attorney General waives, wholly or in part, such funding limitation. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $10,000,000 for each of the fiscal years 2009 through 2014.''.

(b) CONFORMING AMENDMENT.—Such part is further amended by amending the part heading to read as follows: ''**GRANTS TO IMPROVE TREATMENT OF OFFENDERS WITH MENTAL ILLNESSES**''.

SEC. 2305. IMPROVING THE MENTAL HEALTH COURTS GRANT PROGRAM.

(a) REAUTHORIZATION OF THE MENTAL HEALTH COURTS GRANT PROGRAM.—Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended by striking ''fiscal years 2001 through 2004'' and inserting ''fiscal years 2009 through 2014''.

(b) ADDITIONAL GRANT USES AUTHORIZED.—Section 2201 of such title (42 U.S.C. 3796ii) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) pretrial services and related treatment programs for offenders with mental illnesses; and

''(4) developing, implementing, or expanding programs that are alternatives to incarceration for offenders with mental illnesses.''.

SEC. 2306. EXAMINATION AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Attorney General shall examine and report on mental illness and the criminal justice system.

(2) SCOPE.—Congress encourages the Attorney General to specifically examine the following:

(A) POPULATIONS.—The rate of occurrence of serious mental illnesses in each of the following populations:

(i) Individuals, including juveniles, on probation.

(ii) Individuals, including juveniles, incarcerated in a jail.

(iii) Individuals, including juveniles, incarcerated in a prison.

(iv) Individuals, including juveniles, on parole.

(B) BENEFITS.—The percentage of individuals in each population described in subparagraph (A) who have—

(i) a serious mental illness; and

(ii) received disability benefits under title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.).

(b) REPORT.—Not later than 36 months after the date of the enactment of this Act, the Attorney General shall submit to Congress the report described in subsection (a).

(c) DEFINITIONS.—In this section—

(1) the term ''serious mental illness'' means that an individual has, or at any time during the 1-year period ending on the date of enactment of this Act had, a covered mental, behavioral, or emotional disorder; and

(2) the term ''covered mental, behavioral, or emotional disorder''—

(A) means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Classification of Diseases, Ninth Revision, Clinical Modification equivalent of the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition; and

(B) does not include a disorder that has a V code within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, a substance use disorder, or a developmental disorder, unless that disorder cooccurs with another disorder described in subparagraph (A) and causes functional impairment which substantially interferes with or limits 1 or more major life activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for 2009.

Subtitle D—Effective Child Pornography Prosecution Act of 2007

SEC. 7401. SHORT TITLE.

This subtitle may be cited as the ''Effective Child Pornography Prosecution Act of 2007''.

SEC. 7402. FINDINGS.

Congress finds the following:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Data has shown that 83 percent of child pornography possessors had images of children younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child's abuse and the distribution of child pornography images revictimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer.

(5) The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.

(6) The Internet is well recognized as a method of distributing goods and services across State lines.

(7) The transmission of child pornography using the Internet constitutes transportation in interstate commerce.

SEC. 7403. CLARIFYING BAN OF CHILD PORNOGRAPHY.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';

(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported'';

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

(D) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';

(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';

(3) in section 2252(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2)—

(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and

(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution'';

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

(D) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

(C) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;

(D) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and

(E) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.

Subtitle E—Enhancing the Effective Prosecution of Child Pornography Act of 2007

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the ''Enhancing the Effective Prosecution of Child Pornography Act of 2007''.

SEC. 2502. MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 2252A (relating to child pornography) where the child pornography contains a visual depiction of an actual minor engaging in sexually explicit conduct, section 2260 (production of certain child pornography for importation into the United States),'' before ''section 2280''.

SEC. 2503. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

Subtitle F—Drug Endangered Children Act of 2007

SEC. 2601. SHORT TITLE.

This subtitle may be cited as the ''Drug Endangered Children Act of 2007''.

SEC. 2602. DRUG-ENDANGERED CHILDREN GRANT PROGRAM EXTENDED.

Section 755(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(c)) is amended by striking ''fiscal years 2006 and 2007'' and inserting ''fiscal years 2008 and 2009''.

Subtitle G—Star-Spangled Banner and War of 1812 Bicentennial Commission Act

SEC. 2701. SHORT TITLE.

This subtitle may be cited as the ''Star-Spangled Banner and War of 1812 Bicentennial Commission Act''.

SEC. 2702. STAR-SPANGLED BANNER AND WAR OF 1812 BICENTENNIAL COMMISSION.

(a) FINDINGS.—Congress finds that—

(1) the War of 1812 served as a crucial test for the United States Constitution and the newly established democratic Government;

(2) vast regions of the new multiparty democracy, including the Chesapeake Bay, the Gulf of Mexico and the Niagara Frontier, were affected by the War of 1812 including the States of Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Michigan, Missouri, Mississippi, New Jersey, North Carolina, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, Wisconsin, West Virginia, and the District of Columbia;

(3) the British occupation of American territory along the Great Lakes and in other regions, the burning of Washington, DC, the American victories at Fort McHenry, New Orleans, and Plattsburgh, among other battles, had far reaching effects on American society;

(4) at the Battle of Baltimore, Francis Scott Key wrote the poem that celebrated the flag and later was titled ''the Star-Spangled Banner'';

(5) the poem led to the establishment of the flag as an American icon and became the words of the national anthem of the United States in 1932; and

(6) it is in the national interest to provide for appropriate commemorative activities to maximize public understanding of the meaning of the War of 1812 in the history of the United States.

(b) PURPOSES.—The purposes of this section are to—

(1) establish the Star-Spangled Banner and War of 1812 Commemoration Commission;

(2) ensure a suitable national observance of the War of 1812 by complementing, cooperating with, and providing assistance to the programs and activities of the various States involved in the commemoration;

(3) encourage War of 1812 observances that provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the various War of 1812 sites;

(4) facilitate international involvement in the War of 1812 observances;

(5) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the War of 1812 observances; and

(6) promote the protection of War of 1812 resources and assist in the appropriate development of heritage tourism and economic benefits to the United States.

(c) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the War of 1812.

(2) COMMISSION.—The term ''Commission'' means the Star-Spangled Banner and War of 1812 Bicentennial Commission established in subsection (d)(1).

(3) QUALIFIED CITIZEN.—The term ''qualified citizen'' means a citizen of the United States with an interest in, support for, and expertise appropriate to the commemoration.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATES.—The term ''States''—

(A) means the States of Alabama, Kentucky, Indiana, Louisiana, Maryland, Vermont, Virginia, New York, Maine, Michigan, and Ohio; and

(B) includes agencies and entities of each State.

(d) STAR-SPANGLED BANNER AND WAR OF 1812 COMMEMORATION COMMISSION.—

(1) IN GENERAL.—There is established a commission to be known as the ''Star-Spangled Banner and War of 1812 Bicentennial Commission''.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall be composed of 22 members, of whom—

(i) 11 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Governors of Alabama, Kentucky, Indiana, Louisiana, Maine, Maryland, Michigan, New York, Ohio, Vermont, and Virginia;

(ii) 3 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Mayors of the District of Columbia, the City of Baltimore, and the City of New Orleans;

(iii) 2 members shall be employees of the National Park Service, of whom—

(I) 1 shall be the Director of the National Park Service (or a designee); and

(II) 1 shall be an employee of the National Park Service having experience relevant to the commemoration;

(iv) 4 members shall be qualified citizens appointed by the Secretary with consideration of recommendations—

(I) 1 of which are submitted by the majority leader of the Senate;

(II) 1 of which are submitted by the minority leader of the Senate;

(III) 1 of which are submitted by the majority leader of the House of Representatives; and

(IV) 1 of which are submitted by the minority leader of the House of Representatives; and

(v) 2 members shall be appointed by the Secretary from among individuals with expertise in the history of the War of 1812.

(B) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 120 days after the date of enactment of this Act.

(3) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(5) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) SELECTION.—The Commission shall select a chairperson and a vice chairperson from among the members of the Commission.

(B) ABSENCE OF CHAIRPERSON.—The vice chairperson shall act as chairperson in the absence of the chairperson.

(6) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed and funds have been provided, the Commission shall hold the initial meeting of the Commission.

(7) MEETINGS.—Not less than twice a year, the Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(8) REMOVAL.—Any member who fails to attend 3 successive meetings of the Commission or who otherwise fails to participate substantively in the work of the Commission may be removed by the Secretary and the vacancy shall be filled in the same manner as the original appointment was made. Members serve at the discretion of the Secretary.

(e) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, encourage, develop, execute, and coordinate programs, observances, and activities commemorating the historic events that preceded and are associated with the War of 1812;

(B) facilitate the commemoration throughout the United States and internationally;

(C) coordinate the activities of the Commission with State commemoration commissions, the National Park Service, the Department of Defense, and other appropriate Federal agencies;

(D) encourage civic, patriotic, historical, educational, religious, economic, tourism, and other organizations throughout the United States to organize and participate in the commemoration to expand the understanding and appreciation of the significance of the War of 1812;

(E) provide technical assistance to States, localities, units of the National Park System, and nonprofit organizations to further the commemoration and commemorative events;

(F) coordinate and facilitate scholarly research on, publication about, and interpretation of the people and events associated with the War of 1812;

(G) design, develop, and provide for the maintenance of an exhibit that will travel throughout the United States during the commemoration period to interpret events of the War of 1812 for the educational benefit of the citizens of the United States;

(H) ensure that War of 1812 commemorations provide a lasting legacy and long-term public benefit leading to protection of the natural and cultural resources associated with the War of 1812; and

(I) examine and review essential facilities and infrastructure at War of 1812 sites and identify possible improvements that could be made to enhance and maximize visitor experience at the sites.

(2) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan and annual performance plans for any activity carried out by the Commission under this section.

(3) REPORTS.—

(A) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(B) FINAL REPORT.—Not later than September 30, 2015, the Commission shall submit to the Secretary and Congress a final report that includes—

(i) a summary of the activities of the Commission;

(ii) a final accounting of any funds received or expended by the Commission; and

(iii) the final disposition of any historically significant items acquired by the Commission and other properties not previously reported.

(f) POWERS.—

(1) IN GENERAL.—The Commission may—

(A) solicit, accept, use, and dispose of gifts or donations of money, services, and real and personal property related to the commemoration in accordance with Department of the Interior and National Park Service written standards for accepting gifts from outside sources;

(B) appoint such advisory committees as the Commission determines to be necessary to carry out this section;

(C) authorize any member or employee of the Commission to take any action the Commission is authorized to take under this section;

(D) use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government; and

(E) make grants to communities, nonprofit, commemorative commissions or organizations, and research and scholarly organizations to develop programs and products to assist in researching, publishing, marketing, and distributing information relating to the commemoration.

(2) LEGAL AGREEMENTS.—

(A) IN GENERAL.—In carrying out this section, the Commission may—

(i) procure supplies, services, and property; and

(ii) make or enter into contracts, leases, or other legal agreements.

(B) LENGTH.—Any contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission in accordance with applicable laws.

(4) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(5) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the States or the National Park Service concerning the commemoration.

(g) PERSONNEL MATTERS.—

(1) MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in paragraph (3)(A), a member of the Commission shall serve without compensation.

(B) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(C) STATUS.—A member of the Commission, who is not otherwise a Federal employee, shall be considered a Federal employee only for purposes of the provisions of law related to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) EXECUTIVE DIRECTOR AND OTHER STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and termination of employees (including regulations), appoint and terminate an executive director, subject to confirmation by the Commission, and appoint and terminate such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) STATUS.—The Executive Director and other staff appointed under this paragraph shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

(C) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(D) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of basic pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) SERVICE ON COMMISSION.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(ii) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(iii) CIVIL SERVICE STATUS.—Notwithstanding any other provisions in this subsection, Federal employees who serve on the Commission, are detailed to the Commission, or otherwise provide services under this section, shall continue to be Federal employees for the purpose of any law specific to Federal employees, without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States) under subchapter VI of chapter 33 of title 5, United States Code; and

(ii) reimburse States for services of detailed personnel.

(4) MEMBERS OF ADVISORY COMMITTEES.—Members of advisory committees appointed under subsection (f)(1)(B)—

(A) shall not be considered employees of the Federal Government by reason of service on the committees for the purpose of any law specific to Federal employees, except for the purposes of chapter 11 of title 18, United States Code, relating to conflicts of interest; and

(B) may be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may employ experts and consultants on a temporary or intermittent basis in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title. Such personnel shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section not to

exceed $500,000 for each of fiscal years 2008 through 2015.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection for any fiscal year shall remain available until December 31, 2015.

(i) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission shall terminate on December 31, 2015.

(2) TRANSFER OF MATERIALS.—Not later than the date of termination, the Commission shall transfer any documents, materials, books, manuscripts, miscellaneous printed matter, memorabilia, relics, exhibits, and any materials donated to the Commission that relate to the War of 1812, to Fort McHenry National Monument and Historic Shrine.

(3) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date of termination shall be deposited in the general fund of the Treasury.

(4) ANNUAL AUDIT.—The Inspector General of the Department of the Interior shall perform an annual audit of the Commission, shall make the results of the audit available to the public, and shall transmit such results to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on the Judiciary of the Senate.

Subtitle H—PROTECT Our Children Act of 2008

SEC. 2801. SHORT TITLE.

This subtitle may be cited as the ''Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act of 2008'' or the ''PROTECT Our Children Act of 2008''.

SEC. 2802. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) CHILD EXPLOITATION.—The term ''child exploitation'' means any conduct, attempted conduct, or conspiracy to engage in conduct involving a minor that violates section 1591, chapter 109A, chapter 110, and chapter 117 of title 18, United States Code, or any sexual activity involving a minor for which any person can be charged with a criminal offense.

(2) CHILD OBSCENITY.—The term ''child obscenity'' means any visual depiction proscribed by section 1466A of title 18, United States Code.

(3) MINOR.—The term ''minor'' means any person under the age of 18 years.

(4) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given such term in section 2256 of title 18, United States Code.

PART I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

SEC. 2811. ESTABLISHMENT OF NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

(a) IN GENERAL.—The Attorney General of the United States shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction.

(b) TIMING.—Not later than February 1 of each year, the Attorney General shall submit to Congress the National Strategy established under subsection (a).

(c) REQUIRED CONTENTS OF NATIONAL STRATEGY.—The National Strategy established under subsection (a) shall include the following:

(1) Comprehensive long-range, goals for reducing child exploitation.

(2) Annual measurable objectives and specific targets to accomplish long-term, quantifiable goals that the Attorney General determines may be achieved during each year beginning on the date when the National Strategy is submitted.

(3) Annual budget priorities and Federal efforts dedicated to combating child exploitation, including resources dedicated to Internet Crimes Against Children task forces, Project Safe Childhood, FBI Innocent Images Initiative, the National Center for Missing and Exploited Children, regional forensic computer labs, Internet Safety programs, and all other entities whose goal or mission is to combat the exploitation of children that receive Federal support.

(4) A 5-year projection for program and budget goals and priorities.

(5) A review of the policies and work of the Department of Justice related to the prevention and investigation of child exploitation crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation.

(6) A description of the Department's efforts to coordinate with international, State, local, tribal law enforcement, and private sector entities on child exploitation prevention and interdiction efforts.

(7) Plans for interagency coordination regarding the prevention, investigation, and apprehension of individuals exploiting children, including cooperation and collaboration with—

(A) Immigration and Customs Enforcement;

(B) the United States Postal Inspection Service;

(C) the Department of State;

(D) the Department of Commerce;

(E) the Department of Education;

(F) the Department of Health and Human Services; and

(G) other appropriate Federal agencies.

(8) A review of the Internet Crimes Against Children Task Force Program, including—

(A) the number of ICAC task forces and location of each ICAC task force;

(B) the number of trained personnel at each ICAC task force;

(C) the amount of Federal grants awarded to each ICAC task force;

(D) an assessment of the Federal, State, and local cooperation in each task force, including—

(i) the number of arrests made by each task force;

(ii) the number of criminal referrals to United States attorneys for prosecution;

(iii) the number of prosecutions and convictions from the referrals made under clause (ii);

(iv) the number, if available, of local prosecutions and convictions based on ICAC task force investigations; and

(v) any other information demonstrating the level of Federal, State, and local coordination and cooperation, as such information is to be determined by the Attorney General;

(E) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and

(F) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.

(9) An assessment of the technical assistance and support available for Federal, State, local, and tribal law enforcement agencies, in the prevention, investigation, and prosecution of child exploitation crimes.

(10) A review of the backlog of forensic analysis for child exploitation cases at each FBI Regional Forensic lab and an estimate of the backlog at State and local labs.

(11) Plans for reducing the forensic backlog described in paragraph (10), if any, at Federal, State and local forensic labs.

(12) A review of the Federal programs related to child exploitation prevention and education, including those related to Internet safety, including efforts by the private sector and nonprofit entities, or any other initiatives, that have proven successful in promoting child safety and Internet safety.

(13) An assessment of the future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and tribal efforts to combat child exploitation.

(14) Plans for liaisons with the judicial branches of the Federal and State governments on matters relating to child exploitation.

(15) An assessment of Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes, which shall include a number of factors, including—

(A) the number of high-priority suspects (identified because of the volume of suspected criminal activity or because of the danger to the community or a potential victim) who were investigated and prosecuted;

(B) the number of investigations, arrests, prosecutions and convictions for a crime of child exploitation; and

(C) the average sentence imposed and statutory maximum for each crime of child exploitation.

(16) A review of all available statistical data indicating the overall magnitude of child pornography trafficking in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of child pornography;

(B) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to child pornography;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, all other forms of activity related to child pornography;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CybertTipline and other data indicating the magnitude of child pornography trafficking; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of child pornography and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

(18) A review of the extent of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies, including the involvement of States, local and tribal government agencies to the extent Federal programs are involved.

(19) The results of the Project Safe Childhood Conference or other conferences or

meetings convened by the Department of Justice related to combating child exploitation.

(d) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

(1) IN GENERAL.—There shall be created in the Office of Legal Policy of the Department of Justice the position of Special Assistant to the Assistant Attorney General for Child Exploitation and Interdiction, whose duties shall include coordinating the development of the National Strategy established under subsection (a).

(2) DUTIES.—The duties of the official designated under paragraph (1) shall include—

(A) acting as a liaison with all Federal agencies regarding the development of the National Strategy;

(B) working to ensure that there is proper coordination among agencies in developing the National Strategy;

(C) being knowledgeable about budget priorities and familiar with all efforts within the Department of Justice and the FBI related to child exploitation prevention and interdiction; and

(D) communicating the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdictions, on the contents of the National Strategy and progress of the Department of Justice in implementing the National Strategy.

SEC. 2812. ESTABLISHMENT OF NATIONAL ICAC TASK FORCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force Program (hereinafter in this title referred to as the ''ICAC Task Force Program''), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(2) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the ICAC Task Force Program established under paragraph (1) is intended to continue the ICAC Task Force Program authorized under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL PROGRAM.—

(1) STATE REPRESENTATION.—The ICAC Task Force Program established under subsection (a) shall include at least 1 ICAC task force in each State.

(2) CAPACITY AND CONTINUITY OF INVESTIGATIONS.—In order to maintain established capacity and continuity of investigations and prosecutions of child exploitation cases, the Attorney General, shall, in establishing the ICAC Task Force Program under subsection (a) consult with and consider all 59 task forces in existence on the date of enactment of this Act. The Attorney General shall include all existing ICAC task forces in the ICAC Task Force Program, unless the Attorney General makes a determination that an existing ICAC does not have a proven track record of success.

(3) ONGOING REVIEW.—The Attorney General shall—

(A) conduct periodic reviews of the effectiveness of each ICAC task force established under this section; and

(B) have the discretion to establish a new task force if the Attorney General determines that such decision will enhance the effectiveness of combating child exploitation provided that the Attorney General notifies Congress in advance of any such decision and that each state maintains at least 1 ICAC task force at all times.

(4) TRAINING.—

(A) IN GENERAL.—The Attorney General may establish national training programs to support the mission of the ICAC task forces, including the effective use of the National Internet Crimes Against Children Data System.

(B) LIMITATION.—In establishing training courses under this paragraph, the Attorney General may not award any one entity other than a law enforcement agency more than $2,000,000 annually to establish and conduct training courses for ICAC task force members and other law enforcement officials.

(C) REVIEW.—The Attorney General shall—

(i) conduct periodic reviews of the effectiveness of each training session authorized by this paragraph; and

(ii) consider outside reports related to the effective use of Federal funding in making future grant awards for training.

SEC. 2813. PURPOSE OF ICAC TASK FORCES.

The ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated toward—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) participating in the Department of Justice's Project Safe Childhood initiative, the purpose of which is to combat technology-facilitated sexual exploitation crimes against children;

(7) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(8) developing and delivering Internet crimes against children public awareness and prevention programs; and

(9) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

SEC. 2814. DUTIES AND FUNCTIONS OF TASK FORCES.

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently toward achieving the purposes described in section 2813;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System established in section 2815, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community;

(9) develop procedures for handling seized evidence;

(10) maintain—

(A) such reports and records as are required under this part; and

(B) such other reports and records as determined by the Attorney General; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

SEC. 2815. NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM.

(a) IN GENERAL.—The Attorney General shall establish, consistent with all existing Federal laws relating to the protection of privacy, a National Internet Crimes Against Children Data System. The system shall not be used to search for or obtain any information that does not involve the use of the Internet to post or traffic images of child exploitation.

(b) PURPOSE OF SYSTEM.—The National Internet Crimes Against Children Data System established under subsection (a) shall be dedicated to assisting and supporting credentialed law enforcement agencies authorized to investigate child exploitation in accordance with Federal, State, local, and tribal laws, including by providing assistance and support to—

(1) Federal agencies investigating and prosecuting child exploitation;

(2) the ICAC Task Force Program established under section 2812;

(3) State, local, and tribal agencies investigating and prosecuting child exploitation; and

(4) foreign or international law enforcement agencies, subject to approval by the Attorney General.

(c) CYBER SAFE DECONFLICTION AND INFORMATION SHARING.—The National Internet Crimes Against Children Data System established under subsection (a)—

(1) shall be housed and maintained within the Department of Justice or a credentialed law enforcement agency;

(2) shall be made available for a nominal charge to support credentialed law enforcement agencies in accordance with subsection (b); and

(3) shall—

(A) allow Federal, State, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts;

(B) provide, directly or in partnership with a credentialed law enforcement agency, a dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation;

(C) facilitate the development of essential software and network capability for law enforcement participants; and

(D) provide software or direct hosting and support for online investigations of child exploitation activities, or, in the alternative, provide users with a secure connection to an alternative system that provides such capabilities, provided that the system is hosted within a governmental agency or a credentialed law enforcement agency.

(d) COLLECTION AND REPORTING OF DATA.—

(1) IN GENERAL.—The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) REAL-TIME REPORTING.—All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) HIGH-PRIORITY SUSPECTS.—Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

(i) identify high-priority suspects, as such suspects are determined by the volume of suspected criminal activity or other indicators of seriousness of offense or dangerousness to the community or a potential local victim; and

(ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) ANNUAL REPORTS.—Any statistical data indicating the overall magnitude of child pornography trafficking and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 2811(c)(16).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of participating law enforcement agencies to disseminate investigative leads or statistical information in accordance with State and local laws.

(e) MANDATORY REQUIREMENTS OF NETWORK.—The National Internet Crimes Against Children Data System established under subsection (a) shall develop, deploy, and maintain an integrated technology and training program that provides—

(1) a secure, online system for Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies for use in resolving case conflicts, as provided in subsection (c);

(2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;

(3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;

(4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;

(5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and

(6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

(f) NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM STEERING COMMITTEE.—The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (e), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;

(2) 1 representative of the Department of Justice Office of Information Services;

(3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;

(4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;

(5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(7) 1 representative of the United States Postal Inspection Service; and

(8) 1 representative of the Department of Justice.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2009 through 2016, $2,000,000 to carry out the provisions of this section.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize any activity that is inconsistent with any Federal law, regulation, or constitutional constraint.

SEC. 2816. ICAC GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 2814.

(2) FORMULA GRANTS.—

(A) DEVELOPMENT OF FORMULA.—At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

(B) FORMULA REQUIREMENTS.—Any formula established by the Attorney General under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by Operation Fairplay, the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) DISTRIBUTION OF REMAINING FUNDS BASED ON NEED.—

(A) IN GENERAL.—Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

(B) MATCHING REQUIREMENT.—A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

(C) WAIVER.—The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this part.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(2) establish and support forensic laboratories utilized in Internet crimes against children investigations;

(3) support investigations and prosecutions of Internet crimes against children;

(4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;

(5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and

(6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) REPORTING REQUIREMENTS.—

(1) ICAC REPORTS.—To measure the results of the activities funded by grants under this section, and to assist the Attorney General

in complying with the Government Performance and Results Act (Public Law 103–62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

(i) the number of investigations initiated related to Internet crimes against children;

(ii) the number of arrests related to Internet crimes against children; and

(iii) the number of prosecutions for Internet crimes against children, including—

(I) whether the prosecution resulted in a conviction for such crime; and

(II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Force Program established under section 2812; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

SEC. 2817. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this part—

(1) $60,000,000 for fiscal year 2009;

(2) $60,000,000 for fiscal year 2010;

(3) $60,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $60,000,000 for fiscal year 2013.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

PART II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

SEC. 2821. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.

(a) ADDITIONAL RESOURCES.—The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this part to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) LOCATION OF NEW LABS.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2009 through 2013, $2,000,000 to carry out the provisions of this section.

PART III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION

SEC. 2831. PROHIBIT THE BROADCAST OF LIVE IMAGES OF CHILD ABUSE.

Section 2251 of title 18, United States Code is amended—

(1) in subsection (a), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''if such person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''; and

(2) in subsection (b), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''.

SEC. 2832. AMENDMENT TO SECTION 2256 OF TITLE 18, UNITED STATES CODE.

Section 2256(5) of title 18, United States Code is amended by—

(1) striking ''and'' before ''data'';

(2) after ''visual image'' by inserting '', and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format''.

SEC. 2833. AMENDMENT TO SECTION 2260 OF TITLE 18, UNITED STATES CODE.

Section 2260(a) of title 18, United States Code, is amended by—

(1) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct''; and

(2) inserting ''or transmitted'' after ''imported''.

SEC. 2834. PROHIBITING THE ADAPTATION OR MODIFICATION OF AN IMAGE OF AN IDENTIFIABLE MINOR TO PRODUCE CHILD PORNOGRAPHY.

(a) OFFENSE.—Subsection (a) of section 2252A of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''; or'' at the end and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (6) the following:

''(7) in or affecting interstate or foreign commerce, knowingly modifies, with intent to distribute, a visual depiction of an identifiable minor so that the depiction becomes child pornography.''.

(b) PUNISHMENT.—Subsection (b) of section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(3) Whoever violates, or attempts or conspires to violate, subsection (a)(7) shall be fined under this title or imprisoned not more than 15 years, or both.''.

PART IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

SEC. 2841. NIJ STUDY OF RISK FACTORS FOR ASSESSING DANGEROUSNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall prepare a report to identify investigative factors that reliably indicate whether a subject of an on-line child exploitation investigation poses a high risk of harm to children. Such a report shall be prepared in consultation and coordination with Federal law enforcement agencies, the National Center for Missing and Exploited Children, Operation Fairplay at the Wyoming Attorney General's Office, the Internet Crimes Against Children Task Force, and other State and local law enforcement.

(b) CONTENTS OF ANALYSIS.—The report required by subsection (a) shall include a thorough analysis of potential investigative factors in on-line child exploitation cases and an appropriate examination of investigative data from prior prosecutions and case files of identified child victims.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall submit a report to the House and Senate Judiciary Committees that includes the findings of the study required by this section and makes recommendations on technological tools and law enforcement procedures to help investigators prioritize scarce resources to those cases where there is actual hands-on abuse by the suspect.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to the National Institute of Justice to conduct the study required under this section.

TITLE III—ENVIRONMENT AND PUBLIC WORKS PROVSIONS

Subtitle A—Captive Primate Safety Act

SEC. 3001. SHORT TITLE.

This subtitle may be cited as the ''Captive Primate Safety Act''.

SEC. 3002. ADDITION OF NONHUMAN PRIMATES TO DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2(g) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(g)) is amended by inserting before the period at the end ''or any nonhuman primate''.

SEC. 3003. CAPTIVE WILDLIFE AMENDMENTS.

(a) PROHIBITED ACTS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or'' after the semicolon;

(ii) in subparagraph (B)(iii), by striking ''; or'' and inserting a semicolon; and

(iii) by striking subparagraph (C); and

(B) in paragraph (4), by inserting ''or subsection (e)'' before the period; and

(2) in subsection (e)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6) respectively;

(B) by striking ''(e)'' and all that follows through ''Subsection (a)(2)(C) does not apply'' in paragraph (1) and inserting the following:

''(e) CAPTIVE WILDLIFE OFFENSE.—

''(1) IN GENERAL.—It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species.

''(2) LIMITATION ON APPLICATION.—This subsection—

''(A) does not apply to a person transporting a nonhuman primate to or from a veterinarian who is licensed to practice veterinary medicine within the United States, solely for the purpose of providing veterinary care to the nonhuman primate, if—

''(i) the person transporting the nonhuman primate carries written documentation issued by the veterinarian, including the appointment date and location;

''(ii) the nonhuman primate is transported in a secure enclosure appropriate for that species of primate;

''(iii) the nonhuman primate has no contact with any other animals or members of the public, other than the veterinarian and other authorized medical personnel providing veterinary care; and

''(iv) such transportation and provision of veterinary care is in accordance with all otherwise applicable State and local laws, regulations, permits, and health certificates;

''(B) does not apply to a person transporting a nonhuman primate to a legally designated caregiver for the nonhuman primate as a result of the death of the preceding owner of the nonhuman primate, if—

''(i) the person transporting the nonhuman primate is carrying legal documentation to support the need for transporting the nonhuman primate to the legally designated caregiver;

''(ii) the nonhuman primate is transported in a secure enclosure appropriate for the species;

''(iii) the nonhuman primate has no contact with any other animals or members of the public while being transported to the legally designated caregiver; and

''(iv) all applicable State and local restrictions on such transport, and all applicable State and local requirements for permits or health certificates, are complied with;

''(C) does not apply to a person transporting a nonhuman primate solely for the purpose of assisting an individual who is permanently disabled with a severe mobility impairment, if—

''(i) the nonhuman primate is a single animal of the genus Cebus;

''(ii) the nonhuman primate was obtained from, and trained at, a licensed nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 the nonprofit tax status of which was obtained—

''(I) before July 18, 2008; and

''(II) on the basis that the mission of the organization is to improve the quality of life of severely mobility-impaired individuals;

''(iii) the person transporting the nonhuman primate is a specially trained employee or agent of a nonprofit organization described in clause (ii) that is transporting the nonhuman primate to or from a designated individual who is permanently disabled with a severe mobility impairment, or to or from a licensed foster care home providing specialty training of the nonhuman primate solely for purposes of assisting an individual who is permanently disabled with severe mobility impairment;

''(iv) the person transporting the nonhuman primate carries documentation from the applicable nonprofit organization that includes the name of the designated individual referred to in clause (iii);

''(v) the nonhuman primate is transported in a secure enclosure that is appropriate for that species;

''(vi) the nonhuman primate has no contact with any animal or member of the public, other than the designated individual referred to in clause (iii); and

''(vii) the transportation of the nonhuman primate is in compliance with—

''(I) all applicable State and local restrictions regarding the transport; and

''(II) all applicable State and local requirements regarding permits or health certificates; and

''(D) does not apply'';

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking ''a'' before ''prohibited'' and inserting ''any'';

(ii) by striking ''(3)'' and inserting ''(4)''; and

(iii) by striking ''(2)'' and inserting ''(3)'';

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking ''animals listed in section 2(g)'' each place it appears and inserting ''prohibited wildlife species''; and

(II) in clause (iv), by striking ''animals'' and inserting ''prohibited wildlife species''; and

(ii) in subparagraph (D), by striking ''animal'' each place it appears and inserting ''prohibited wildlife species'';

(E) in paragraph (4) (as redesignated by subparagraph (A)), by striking ''(2)'' and inserting ''(3)'';

(F) in paragraph (6) (as redesignated by subparagraph (A)), by striking ''subsection (a)(2)(C)'' and inserting ''this subsection''; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

''(7) APPLICATION.—This subsection shall apply beginning on the effective date of regulations promulgated under this subsection.''.

(b) CIVIL PENALTIES.—Section 4(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(a)) is amended—

(1) in paragraph (1), by inserting ''(e),'' after ''subsections (b), (d),'' ; and

(2) in paragraph (1), by inserting '', (e),'' after ''subsection (d)''.

(c) CRIMINAL PENALTIES.—Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended—

(1) in paragraphs (1)(A) and (1)(B) and in the first sentence of paragraph (2), by inserting ''(e),'' after ''subsections (b), (d),'' each place it appears; and

(2) in paragraph (3), by inserting '', (e),'' after ''subsection (d)''.

SEC. 3004. APPLICABILITY PROVISION AMENDMENT.

Section 3 of the Captive Wildlife Safety Act (117 Stat. 2871; Public Law 108–191) is amended—

(1) in subsection (a), by striking ''(a) IN GENERAL.—Section 3'' and inserting ''Section 3''; and

(2) by striking subsection (b).

SEC. 3005. REGULATIONS.

Section 7(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3376(a)) is amended by adding at the end the following new paragraph:

''(3) The Secretary shall, in consultation with other relevant Federal and State agencies, issue regulations to implement section 3(e).''.

SEC. 3006. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL LAW ENFORCEMENT PERSONNEL.

In addition to such other amounts as are authorized to carry out the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.), there is authorized to be appropriated to the Secretary of the Interior $5,000,000 for fiscal year 2009 to hire additional law enforcement personnel of the United States Fish and Wildlife Service to enforce that Act.

Subtitle B—Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act

SEC. 3011. SHORT TITLE.

This subtitle may be cited as the ''Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act''.

SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

Section 502 of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

Subtitle C—Beach Protection Act of 2008

SEC. 3021. SHORT TITLE.

This subtitle may be cited as the ''Beach Protection Act of 2008''.

SEC. 3022. BEACHWATER POLLUTION SOURCE IDENTIFICATION AND PREVENTION.

(a) IN GENERAL.—Section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) is amended in each of subsections (b), (c), (d), (g), and (h) by striking ''monitoring and notification'' each place it appears and inserting ''monitoring, public notification, source tracking, and sanitary surveys to address the identified sources of beachwater pollution''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 406(i) of the Federal Water Pollution Control Act (33 U.S.C. 1346(i)) is amended by striking ''$30,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$60,000,000 for each of fiscal years 2008 through 2013''.

SEC. 3023. FUNDING FOR BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT.

Section 8 of the Beaches Environmental Assessment and Coastal Health Act of 2000 (114 Stat. 877) is amended by striking ''2005'' and inserting ''2013''.

SEC. 3024. STATE REPORTS.

Section 406(b)(3)(A)(ii) of the Federal Water Pollution Control Act (33 U.S.C. 1346(b)(3)(A)(ii)) is amended by inserting ''and all environmental agencies of the State with authority to prevent or treat sources of beachwater pollution'' after ''public''.

SEC. 3025. USE OF RAPID TESTING METHODS.

(a) CONTENTS OF STATE AND LOCAL GOVERNMENT PROGRAMS.—Section 406(c)(4)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is amended by inserting '', including the use of a rapid testing method after the last day of the 1-year period following the date of approval of the rapid testing method by the Administrator'' before the semicolon at the end.

(b) REVISED CRITERIA.—Section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''rapid'' before ''testing''; and

(B) by striking '', as appropriate''; and

(2) by adding at the end the following:

''(C) VALIDATION OF RAPID TESTING METHODS.—Not later than 2 years after the date of enactment of this subparagraph, and periodically thereafter, the Administrator shall validate the rapid testing methods.''.

(c) DEFINITION.—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(25) RAPID TESTING METHOD.—The term 'rapid testing method' means a method of

testing for which results are available within 2 hours after commencement of the rapid testing method.''.

SEC. 3026. PROMPT COMMUNICATION WITH STATE ENVIRONMENTAL AGENCIES.

Section 406(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(5)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''prompt communication'' and inserting ''communication within 24 hours of the receipt of the results of a water quality sample'';

(2) in subparagraph (A), by striking ''and'' at the end;

(3) in subparagraph (B), by inserting ''and'' after the semicolon at the end; and

(4) by adding at the end the following:

''(C) all agencies of the State government with authority to require the prevention or treatment of the sources of beachwater pollution;''.

SEC. 3027. CONTENT OF STATE AND LOCAL PROGRAMS.

Section 406(c) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon;

(3) by adding at the end the following:

''(8) measures to develop and implement a beachwater pollution source identification and tracking program for the coastal recreation waters that are not meeting applicable water quality standards for pathogens and pathogen indicators;

''(9) a publicly accessible and searchable geographical information system database with information updated within 24 hours of the availability of the information, organized by beach and with defined standards, sampling plan, monitoring protocols, sampling results, and number and cause of beach closing and advisory days; and

''(10) measures to ensure that closures or advisories are made or issued within 24 hours after the State government determines that any coastal recreation waters in the State are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators.''.

SEC. 3028. COMPLIANCE REVIEW.

Section 406(h) of the Federal Water Pollution Control Act (33 U.S.C. 1346(h)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''In the'' and inserting the following: ''(1) IN GENERAL.—In the''; and

(3) by adding at the end the following:

''(2) COMPLIANCE REVIEW.—On or before July 31 of each calendar year beginning after the date of enactment of this paragraph, the Administrator shall—

''(A) prepare a written assessment of compliance with all statutory and regulatory requirements of this section for each State and local government, and of compliance with conditions of each grant made under this section to a State or local government, including compliance with any requirement or condition under subsection (a)(2) or (c);

''(B) notify the State or local government of the assessment; and

''(C) make each of the assessments available to the public in a searchable database on or before December 31 of the calendar year.

''(3) CORRECTIVE ACTION.—

''(A) IN GENERAL.—Any State or local government that the Administrator notifies under paragraph (2) that the State or local government is not in compliance with any requirement or grant condition described in paragraph (2) shall take such action as is necessary to comply with the requirement or condition by not later than 1 year after the date of the notification.

''(B) NONCOMPLIANCE.—If the State or local government is not in compliance with such a requirement or condition by the date that is 1 year after the deadline specified in subparagraph (A), any grants made under subsection (b) to the State or local government, after the last day of the 1-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall require a Federal share of not to exceed 50 percent.

''(4) GAO REVIEW.—Not later than December 31 of the third calendar year beginning after the date of enactment of this paragraph, the Comptroller General of the United States shall—

''(A) conduct a review of the activities of the Administrator under paragraphs (2) and (3) during the first and second calendar years beginning after that date of enactment; and

''(B) submit to Congress a report on the results of the review.''.

SEC. 3029. STUDY OF GRANT DISTRIBUTION FORMULA.

(a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall commence a study of the formula for the distribution of grants under section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) for the purpose of identifying potential revisions of that formula.

(b) REQUIREMENTS.—In conducting the study, the Administrator shall—

(1) consider the emphasis and valuation placed on length of beach season, including any findings made by the Government Accountability Office with respect to that emphasis and valuation; and

(2) consult with appropriate Federal, State, and local agencies.

(c) REPORT AND REVISION.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, including any recommendations for revisions of the distribution formula referred to in subsection (a); and

(2) revise the distribution formula referred to in subsection (a) in accordance with those recommendations.

Subtitle D—Appalachian Regional Development Act Amendments of 2008

SEC. 3031. SHORT TITLE.

This subtitle may be cited as the ''Appalachian Regional Development Act Amendments of 2008''.

SEC. 3032. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION.

(a) GRANTS AND OTHER ASSISTANCE.—Section 14321(a) of title 40, United States Code, is amended—

(1) in paragraph (1)(A) by striking clause (i) and inserting the following:

''(i) the amount of the grant shall not exceed—

''(I) 50 percent of administrative expenses;

''(II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

''(III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;''; and

(2) in paragraph (2) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), of the cost of any activity eligible for financial assistance under this section, not more than—

''(i) 50 percent may be provided from amounts appropriated to carry out this subtitle;

''(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this subtitle; or

''(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this subtitle.''.

(b) DEMONSTRATION HEALTH PROJECTS.—Section 14502 of title 40, United States Code, is amended—

(1) in subsection (d) by striking paragraph (2) and inserting the following:

''(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized to be appropriated by this section, may be made for up to—

''(A) 50 percent of the cost of that operation;

''(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

''(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation.''; and

(2) in subsection (f)—

(A) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by adding at the end the following:

''(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of—

''(A) 70 percent; or

''(B) the maximum Federal contribution percentage authorized by this section.''.

(c) ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-INCOME HOUSING PROJECTS.—Section 14503 of title 40, United States Code, is amended—

(1) in subsection (d) by striking paragraph (1) and inserting the following:

''(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to—

''(A) 50 percent of that cost;

''(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

''(C) in the case of a project to be carried out for a county for which an at-risk county

designation is in effect under section 14526, 70 percent of that cost.''; and

(2) in subsection (e) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall—

''(A) not be made to an organization established for profit; and

''(B) except as provided in paragraph (2), not exceed—

''(i) 50 percent of those expenses;

''(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

''(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.''.

(d) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Section 14504 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(e) ENTREPRENEURSHIP INITIATIVE.—Section 14505 of title 40, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(f) REGIONAL SKILLS PARTNERSHIPS.—Section 14506 of title 40, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(g) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 14507(g) of title 40, United States Code, is amended—

(1) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.''.

SEC. 3033. ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

''§ 14508. Economic and energy development initiative

''(a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the Appalachian region for projects and activities—

''(1) to promote energy efficiency in the Appalachian region to enhance the economic competitiveness of the Appalachian region;

''(2) to increase the use of renewable energy resources, particularly biomass, in the Appalachian region to produce alternative transportation fuels, electricity, and heat; and

''(3) to support the development of regional, conventional energy resources to produce electricity and heat through advanced technologies that achieve a substantial reduction in emissions, including greenhouse gases, over the current baseline.

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.

''(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), grants provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available under other Federal programs or from any other source.

''(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission decides is appropriate.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14507 the following:

''14508. Economic and energy development initiative.''.

SEC. 3034. DISTRESSED, AT-RISK, AND ECONOMICALLY STRONG COUNTIES.

(a) DESIGNATION OF AT-RISK COUNTIES.—Section 14526 of title 40, United States Code, is amended—

(1) in the section heading by inserting ''**, AT-RISK,**'' after ''**DISTRESSED**''; and

(2) in subsection (a)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in subparagraph (A) by striking ''and'' at the end; and

(C) by inserting after subparagraph (A) the following:

''(B) designate as 'at-risk counties' those counties in the Appalachian region that are most at risk of becoming economically distressed; and''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of such title is amended by striking the item relating to section 14526 and inserting the following:

''14526. Distressed, at-risk, and economically strong counties.''.

SEC. 3035. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 14703(a) of title 40, United States Code, is amended to read as follows:

''(a) IN GENERAL.—In addition to amounts made available under section 14501, there is authorized to be appropriated to the Appalachian Regional Commission to carry out this subtitle—

''(1) $87,000,000 for fiscal year 2008;

''(2) $100,000,000 for fiscal year 2009;

''(3) $105,000,000 for fiscal year 2010;

''(4) $108,000,000 for fiscal year 2011; and

''(5) $110,000,000 for fiscal year 2012.''.

(b) ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.—Section 14703(b) of such title is amended to read as follows:

''(b) ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.—Of the amounts made available under subsection (a), the following amounts may be used to carry out section 14508—

''(1) $12,000,000 for fiscal year 2008;

''(2) $12,500,000 for fiscal year 2009;

''(3) $13,000,000 for fiscal year 2010;

''(4) $13,500,000 for fiscal year 2011; and

''(5) $14,000,000 for fiscal year 2012.''.

(c) ALLOCATION OF FUNDS.—Section 14703 of such title is amended by adding at the end the following:

''(d) ALLOCATION OF FUNDS.—Funds approved by the Appalachian Regional Commission for a project in a State in the Appalachian region pursuant to a congressional directive shall be derived from the total amount allocated to the State by the Appalachian Regional Commission from amounts appropriated to carry out this subtitle.''.

SEC. 3036. TERMINATION.

Section 14704 of title 40, United States Code, is amended by striking ''2007'' and inserting ''2012''.

SEC. 3037. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting ''Metcalfe,'' after ''Menifee,'';

(2) by inserting ''Nicholas,'' after ''Morgan,''; and

(3) by inserting ''Robertson,'' after ''Pulaski,''.

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting ''Ashtabula,'' after ''Adams,'';

(2) by inserting ''Mahoning,'' after ''Lawrence,''; and

(3) by inserting ''Trumbull,'' after ''Scioto,''.

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended by inserting ''Lawrence, Lewis,'' after ''Knox,''.

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting ''Henry,'' after ''Grayson,''; and

(2) by inserting ''Patrick,'' after ''Montgomery,''.

TITLE IV—FOREIGN RELATIONS PROVISIONS

Subtitle A—Senator Paul Simon Study Abroad Foundation Act of 2008

SEC. 4001. SHORT TITLE.

This subtitle may be cited as the ''Senator Paul Simon Study Abroad Foundation Act of 2008''.

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) According to President George W. Bush, ''America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.''.

(2) According to former President William J. Clinton, ''Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.''.

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, ''[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning'' and, for that reason, ''is simply essential to the [N]ation's security''.

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for ''scholarship, exchange, and library programs''. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was ''unfulfilled,'' and stated that ''The U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.''. In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of ''D'' for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of ''D'' into an ''A'' by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of their field of study, ethnicity, socio-economic status, or gender.

SEC. 4003. PURPOSES.

The purposes of this subtitle are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 4004. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Foundation established pursuant to section 4005(d).

(3) CHIEF EXECUTIVE OFFICER.—The term ''Chief Executive Officer'' means the chief executive officer of the Foundation appointed pursuant to section 4005(c).

(4) FOUNDATION.—The term ''Foundation'' means the Senator Paul Simon Study Abroad Foundation established by section 4005(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NATIONAL OF THE UNITED STATES.—The term ''national of the United States'' means a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(7) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term ''nontraditional study abroad destination'' means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(8) STUDY ABROAD.—The term ''study abroad'' means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

(9) UNITED STATES.—The term ''United States'' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) UNITED STATES STUDENT.—The term ''United States student'' means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 4005. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the ''Senator Paul Simon Study Abroad Foundation'' that shall be responsible for carrying out this subtitle. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this subtitle;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and nontraditional students;

(4) solicit funds from the private sector to supplement funds made available under this subtitle; and

(5) minimize administrative costs and maximize the availability of funds for grants under this subtitle.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.''.

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this subtitle and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for one additional 3 year term.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i) for more than 90 days in any calendar year.

SEC. 4006. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium,

in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than one million undergraduate United States students will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—

(1) PROMOTING REFORM.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(2) GRANTS TO INDIVIDUALS AND INSTITUTIONS.—It is the sense of Congress that—

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and

(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

(f) QUALITY AND SAFETY IN STUDY ABROAD.—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 4007. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than December 15, 2008, and each December 15 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this subtitle during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 4008(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the bases upon which grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 4006(a)(2)(B) and 4006(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 4006(a)(2)(B) and 4006(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, the estimated number of study abroad opportunities provided to United States students by each grant, the amount of the grant used by each institution for administrative expenses, and information on cost-sharing by each institution receiving a grant;

(4) a description of the bases upon which the Foundation made grants directly to United States students pursuant to section 4006(a)(2)(A);

(5) the number and total dollar amount of grants made directly to United States students by the Foundation pursuant to section 4006(a)(2)(A); and

(6) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 4008. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this subtitle;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this subtitle.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(S) the Senator Paul Simon Study Abroad Foundation.''.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 4010(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 4009. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term ''agency'' means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 4010. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 4003;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 4005(b);

(3) whether grantmaking by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 4006;

(4) the extent to which the Foundation is using best practices in the implementation of this subtitle and the administration of the program described in section 4006; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 4011. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $80,000,000 for fiscal year 2008 and each subsequent fiscal year.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this subtitle. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this subtitle or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

Subtitle B—Reconstruction and Stabilization Civilian Management Act of 2008

SEC. 4101. SHORT TITLE.

This subtitle may be cited as the ''Reconstruction and Stabilization Civilian Management Act of 2008''.

SEC. 4102. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the ''Coordinator'') was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range

of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

(5) The President's Fiscal Year 2009 Budget Request to Congress includes $248,600,000 for a Civilian Stabilization Initiative that would vastly improve civilian partnership with the Armed Forces in post-conflict stabilization situations, including by establishing an Active Response Corps of 250 persons, a Standby Response Corps of 2000 persons, and a Civilian Response Corps of 2000 persons.

SEC. 4103. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term ''agency'' means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this subtitle, the term ''Department'' means the Department of State.

(5) PERSONNEL.—The term ''personnel'' means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 4104. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

''SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

''(a) ASSISTANCE.—

''(1) IN GENERAL.—If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), subject to paragraph (2) of this subsection but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds under paragraph (3).

''(2) PRE-NOTIFICATION REQUIREMENT.—The President may not furnish assistance pursuant to paragraph (1) until five days (excepting Saturdays, Sundays, and legal public holidays) after the requirements under section 614(a)(3) of this Act are carried out.

''(3) FUNDS.—The funds referred to in paragraph (1) are funds made available under any other provision of law and under other provisions of this Act, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 634A of this Act.

''(b) LIMITATION.—The authority contained in this section may be exercised only during fiscal years 2009, 2010, and 2011, except that the authority may not be exercised to furnish more than $200,000,000 in any such fiscal year.''.

SEC. 4105. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 62. RECONSTRUCTION AND STABILIZATION.

''(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

''(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

''(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or are in transition from, conflict or civil strife.

''(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities of agencies (as such term is defined in section 4103 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

''(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

''(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

''(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

''(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

''(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

''(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

''(b) RESPONSE READINESS CORPS.—

''(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the 'Corps') to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this subtitle.

''(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

''(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for fiscal years 2007 through 2010 for the Office and to support, educate, train, maintain, and deploy a Response Readiness Corps and a Civilian Reserve Corps.

''(d) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.''.

SEC. 4106. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 4105 of this Act), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this subtitle, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 4105 of this Act.

SEC. 4107. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 4108. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this subtitle. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 4105 of this Act).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 4107 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

Subtitle C—Overseas Private Investment Corporation Reauthorization of Act of 2008

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the ''Overseas Private Investment Corporation Reauthorization Act of 2008''.

SEC. 4202. REAUTHORIZATION OF OPIC PROGRAMS.

Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

SEC. 4203. REQUIREMENTS REGARDING INTERNATIONALLY RECOGNIZED WORKER RIGHTS.

Subsection (a) of section 231A of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(a)) is amended to read as follows:

''(a) INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—

''(1) IN GENERAL.—The Corporation may insure, reinsure, guaranty, or finance a project only if—

''(A) the country in which the project is to be undertaken is eligible for designation as a beneficiary developing country under the Generalized System of Preferences (19 U.S.C. 2461 et seq.) and has not been determined to be ineligible for such designation on the basis of section 502(b)(2)(G) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(G)) (relating to internationally recognized worker rights), or section 502(b)(2)(H) of such Act (19 U.S.C. 2462(b)(2)(H) (relating to the worst forms of child labor); or

''(B) the country in which the project is to be undertaken is not eligible for designation as a beneficiary country under the Generalized System of Preferences, the government of that country has taken or is taking steps to afford workers in the country (including any designated zone or special administrative region or area in that country) internationally recognized worker rights (as defined in section 507(4) of the Trade Act of 1974) (19 U.S.C. 2467(4)).

''(2) LIMITATION INAPPLICABLE.—The limitation contained in paragraph (1) shall not apply to providing assistance for humanitarian services.

''(3) USE OF REPORTS.—The Corporation shall, in implementing paragraph (1), consider—

''(A) information contained in the reports required by sections 116(d) and 502B(b) of this Act and the report required by section 504 of the Trade Act of 1974 (19 U.S.C. 2464);

''(B) other relevant sources of information readily available to the Corporation, including observations, reports, and recommendations of the International Labour Organization; and

''(C) information provided in the hearing required under subsection (c).

''(4) CONTRACT LANGUAGE.—The Corporation shall include the following language, in substantially the following form, in all contracts which the Corporation enters into with eligible investors to provide support under this title:

''The investor agrees not to take any actions to obstruct or prevent employees of the foreign enterprise from exercising the employees' internationally recognized worker rights (as defined in section 507(4) of the Trade Act of 1974) (19 U.S.C. 2467(4)) and the investor agrees to adhere to the obligations regarding those rights. The investor agrees to prohibit discrimination with respect to employment and occupation.

''(5) PREFERENCE TO CERTAIN COUNTRIES.—Consistent with its development objectives, the Corporation shall give preferential consideration to projects in countries that—

''(A) have adopted and maintained, in the country's laws and regulations, internationally recognized worker rights, as well as the elimination of discrimination with respect to employment and occupation; and

''(B) are effectively enforcing those laws.''.

SEC. 4204. PREFERENTIAL CONSIDERATION OF CERTAIN INVESTMENT PROJECTS.

Section 231(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191(f)) is amended to read as follows:

''(f) to the greatest degree practicable and consistent with the goals of the Corporation, to give preferential consideration to investment projects in any less developed country the government of which is receptive to both domestic and foreign private enterprise and to projects in any country the government of which is willing and able to maintain conditions that enable private enterprise to make a full contribution to the development process;''.

SEC. 4205. CLIMATE CHANGE MITIGATION ACTION PLAN.

Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.) is amended by inserting after section 234A the following new section:

''SEC. 234B. CLIMATE CHANGE MITIGATION.

''(a) MITIGATION ACTION PLAN.—The Corporation shall, not later than 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008, institute a climate change mitigation action plan that includes the following:

''(1) CLEAN TECHNOLOGY.—

''(A) INCREASING ASSISTANCE.—The Corporation shall establish a goal of substantially increasing its support of projects that use, develop, or otherwise promote the use of clean energy technologies during the 10-year period beginning on the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008.

''(B) PREFERENTIAL TREATMENT TO PROJECTS.—The Corporation shall give preferential treatment to evaluating and awarding assistance for, and provide greater flexibility in supporting, projects that use, develop, or otherwise promote the use of clean energy technologies.

''(C) REPORT ON PLAN.—The Corporation shall, not later than 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008, submit to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives a report on the plan developed to carry out subparagraph (A). Thereafter, the Corporation shall include in its annual report required under section 240A a discussion of the plan and its implementation.

''(2) ENVIRONMENTAL IMPACT ASSESSMENTS.—

''(A) GREENHOUSE GAS EMISSIONS.—The Corporation shall, in making an environmental impact assessment or initial environmental audit for a project under section 231A(b), also take into account the degree to which the project contributes to the emission of greenhouse gases.

''(B) OTHER DUTIES NOT AFFECTED.—The requirement provided for under subparagraph (A) is in addition to any other requirement, obligation, or duty of the Corporation.

''(3) GOALS FOR REDUCING GREENHOUSE GAS EMISSIONS.—

''(A) IN GENERAL.—The Corporation shall continue to maintain—

''(i) a goal for reducing direct greenhouse gas emissions associated with projects in the Corporation's portfolio on the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008 by 20 percent during the 10-year period beginning on such date of enactment; and

''(ii) a goal for limiting annual investments in projects that have significant greenhouse gas emissions after such date of enactment in a manner that reduces greenhouse gas emissions associated with projects

in the Corporation's total portfolio by 20 percent during the 10-year period beginning on such date of enactment.

''(B) SPECIAL RULES.—

''(i) BASELINE.—For purposes of determining the percentage by which greenhouse gas emissions are reduced under subparagraph (A), the Corporation shall use the aggregate estimated greenhouse gas emissions for projects in the Corporation's portfolio.

''(ii) SIGNIFICANT GREENHOUSE GAS EMISSIONS PROJECTS.—For purposes of this paragraph, projects that have significant greenhouse gas emissions are projects that result in the emission of more than 100,000 tons of CO_2 equivalent each year.

''(C) REPORTING REQUIREMENTS.—The Corporation shall include, in each annual report required under section 240A, the following information with respect to the period covered by the report:

''(i) The annual greenhouse gas emissions attributable to each project in the Corporation's active portfolio that has significant greenhouse gas emissions.

''(ii) The estimated greenhouse gas emissions for each new project that has significant greenhouse gas emissions for which the Corporation provided insurance, reinsurance, a guaranty, or financing, since the previous report.

''(iii) The extent to which the Corporation is meeting the goals described in subparagraph (A) for reducing greenhouse gas emissions.

''(iv) Each new project for which the Corporation provided insurance, reinsurance, a guaranty, or financing, that involves renewable energy and environmentally beneficial products and services, including increased clean energy technology.

''(b) EXTRACTION INVESTMENTS.—

''(1) PRIOR NOTIFICATION TO CONGRESSIONAL COMMITTEES.—

''(A) IN GENERAL.—The Corporation shall provide notice of consideration of approval of a project described in subparagraph (B) to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives not later than 60 days before approval of such project.

''(B) PROJECT DESCRIBED.—A project described in this subparagraph is a Category A project (as defined in section 237(q)(3)) relating to an extractive industry project or any extractive industry project for which the assistance to be provided by the Corporation is valued at $10,000,000 or more (including contingent liability).

''(2) COMMITMENT TO EITI PRINCIPLES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Corporation may approve a contract of insurance, reinsurance, a guaranty, or enter into an agreement to provide financing to an eligible investor for a project that significantly involves an extractive industry only if—

''(i) the eligible investor has agreed to implement the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria related to the specific project to be carried out; and

''(ii)(I) the host country where the project is to be carried out has committed to the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria; or

''(II) the host country where the project is to be carried out has in place or is taking the necessary steps to establish functioning systems for—

''(aa) accurately accounting for revenues and expenditures in connection with the extraction and export of the type of natural resource to be extracted or exported;

''(bb) the independent audit of such revenues and expenditures and the widespread public dissemination of the finding of the audit; and

''(cc) verifying government receipts against company payments, including widespread dissemination of such payment information, and disclosure of such documents as host government agreements, concession agreements, and bidding documents, and allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create a competitive disadvantage.

''(B) EXCEPTION.—If a host country does not meet the requirements of subparagraph (A)(ii) (I) or (II), the Corporation may approve a contract of insurance, reinsurance, or a guaranty, or enter into an agreement to provide financing for a project in the host country if the Corporation determines it is in the foreign policy interest of the United States for the Corporation to provide support for the project in the host country and the host country does not prevent an eligible investor from complying with subparagraph (A)(i).

''(3) PREFERENCE FOR CERTAIN PROJECTS.—With respect to all projects that significantly involve an extractive industry, the Corporation, to the extent practicable and consistent with the Corporation's development objectives, shall give preference to a project in which the eligible investor has agreed to implement the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria, and the host country where the project is to be carried out has committed to the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria.

''(4) EFFECT ON OTHER REQUIREMENTS.—Nothing in this subsection shall affect the limitations and prohibitions with respect to direct investments described in section 234(c).

''(5) REPORTING REQUIREMENT.—The Corporation shall include in its annual report required under section 240A a description of its activities to carry out this subsection.

''(c) DEFINITIONS.—In this section:

''(1) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means an energy supply or end-use technology that, compared to a similar technology already in widespread commercial use in a host country, will—

''(A) reduce emissions of greenhouse gases; or

''(B) decrease the intensity of energy usage.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; or

''(F) sulfur hexafluoride.

''(3) EXTRACTIVE INDUSTRY.—The term 'extractive industry' refers to an enterprise engaged in the exploration, development, or extraction of oil and gas reserves, metal ores, gemstones, industrial minerals (except rock used for construction purposes), or coal.''.

SEC. 4206. INCREASED TRANSPARENCY.

(a) IN GENERAL.—Paragraph (2) of section 231A(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(c)(2)) is amended to read as follows:

''(2) In conjunction with each meeting of its Board of Directors, the Corporation shall hold a public hearing in order to afford an opportunity for any person to present views regarding the activities of the Corporation. The Corporation shall notice such a hearing at least 20 days in advance. At least 15 days in advance of such hearing the Corporation shall make available a public summary of each project, including information related to workers rights, to be considered at the meeting. The Corporation shall not include any confidential business information in the summary made available under this subsection. Such views shall be made part of the record.''.

(b) ADDITIONAL TRANSPARENCY.—Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is amended by adding at the end the following new subsections:

''(p) REVIEW OF METHODOLOGY.—Not later than 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008, the Corporation shall make available to the public the methodology, including relevant regulations, used to assess and monitor the impact of projects supported by the Corporation on employment in the United States and on the development, the environment, and the protection of internationally recognized worker rights, as well as the elimination of discrimination with respect to employment and occupation, in host countries.

''(q) PUBLIC NOTICE PRIOR TO PROJECT APPROVAL.—

''(1) PUBLIC NOTICE.—

''(A) IN GENERAL.—The Board of Directors of the Corporation may not vote in favor of any action proposed to be taken by the Corporation on a Category A project before the date that is 60 days after the Corporation—

''(i) makes available for public comment a summary of the project and relevant information about the project; and

''(ii) such summary and information described in clause (i) has been made available to groups in the area that may be impacted by the proposed project and to nongovernmental organizations in the host country.

''(B) EXCEPTION.—The Corporation shall not include any confidential business information in the summary and information made available under clauses (i) and (ii) of subparagraph (A).

''(2) PUBLISHED RESPONSE.—To the extent practicable, the Corporation shall publish responses to the comments received under paragraph (1)(A)(i) with respect to a Category A project and submit the responses to the Board not later than 7 days before a vote is to be taken on any action proposed by the Corporation on the project.

''(3) CATEGORY A PROJECT DEFINED.—The term 'Category A project' means any project or other activity for which the Corporation proposes to provide insurance, reinsurance, a guaranty, financing, or other assistance under this title and which is likely to have a significant adverse environmental impact.''.

(c) OFFICE OF ACCOUNTABILITY.—Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197), as amended by subsection (b) of this section, is amended by adding at the end the following new subsection:

''(r) OFFICE OF ACCOUNTABILITY.—The Corporation shall maintain an Office of Accountability to provide, to the maximum extent practicable, upon request, problem-solving services for projects supported by the Corporation and review of the Corporation's compliance with its environmental, social, internationally recognized worker rights, human rights, and transparency policies and procedures. The Office of Accountability shall operate in a manner that is fair, objective, and transparent.''.

SEC. 4207. TRANSPARENCY AND ACCOUNTABILITY OF INVESTMENT FUNDS.

(a) IN GENERAL.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is amended by adding at the end the following:

''(1) TRANSPARENCY AND ACCOUNTABILITY OF INVESTMENT FUNDS.—

''(1) COMPETITIVE SELECTION OF INVESTMENT FUND MANAGEMENT.—With respect to any investment fund that the Corporation creates on or after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008, the Corporation may select persons to manage the fund only by contract using competitive procedures that are full and open.

''(2) CRITERIA FOR SELECTION.—In assessing proposals for investment fund management proposals, the Corporation shall consider, in addition to other factors, the following:

''(A) The prospective fund management's experience, depth, and cohesiveness.

''(B) The prospective fund management's track record in investing risk capital in emerging markets.

''(C) The prospective fund management's experience, management record, and monitoring capabilities in the countries in which the management operates, including details of local presence (directly or through local alliances).

''(D) The prospective fund management's experience as a fiduciary in managing institutional capital, meeting reporting requirements, and administration.

''(E) The prospective fund management's record in avoiding investments in companies that would be disqualified under section 239(m).

''(3) ANNUAL REPORT.—The Corporation shall include in each annual report under section 240A an analysis of the investment fund portfolio of the Corporation, including the following:

''(A) FUND PERFORMANCE.—An analysis of the aggregate financial performance of the investment fund portfolio grouped by region and maturity.

''(B) STATUS OF LOAN GUARANTIES.—The amount of guaranties committed by the Corporation to support investment funds, including the percentage of such amount that has been disbursed to the investment funds.

''(C) RISK RATINGS.—The definition of risk ratings, and the current aggregate risk ratings for the investment fund portfolio, including the number of investment funds in each of the Corporation's rating categories.

''(D) COMPETITIVE SELECTION OF INVESTMENT FUND MANAGEMENT.—The number of proposals received and evaluated for each newly established investment fund.''.

(b) GAO REVIEW.—Not later than 1 year after the submission of the first report to Congress under section 240A of the Foreign Assistance Act of 1961 that includes the information required by section 239(l)(3) of that Act (as added by subsection (a) of this section), the Comptroller General of the United States shall prepare and submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an independent assessment of the investment fund portfolio of the Overseas Private Investment Corporation, covering the items required to be addressed under such section 239(l)(3).

SEC. 4208. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197), as amended by section 4206, is amended by adding at the end the following:

''(s) PROHIBITION ON ASSISTANCE FOR CERTAIN RAILWAY PROJECTS.—The Corporation may not provide insurance, reinsurance, a guaranty, financing, or other assistance to support the development or promotion of a railway connection or railway-related connection that connects Azerbaijan and Turkey without connecting or traversing with Armenia.''.

SEC. 4209. INELIGIBILITY OF PERSONS DOING CERTAIN BUSINESS WITH STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—Section 231 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191) is amended by—

(1) striking ''and'' at the end of division (m);

(2) by striking the period at the end of division (n) and inserting ''; and''; and

(3) by adding at the end the following:

''(o) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing or any other assistance for a prospective eligible investor who enters, directly or through an affiliate, into certain discouraged transactions with a state sponsor of terrorism.''.

(b) GENERAL PROVISIONS AND POWERS.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199), as amended by section 4207, is amended by adding at the end the following:

''(m) STATE SPONSOR OF TERRORISM.—

''(1) IN GENERAL.—In order to carry out the policy set forth in section 231(o) of this Act, the Corporation shall require a certification from an officer of a prospective OPIC-supported United States investor that the investor and all affiliates of the in vestor are not engaged in a discouraged transaction with a state sponsor of terrorism.

''(2) DISCOURAGED TRANSACTION.—In this subsection, the term 'discouraged transaction' means any of the following activities:

''(A) An investment commitment of $20,000,000 or more by the investor in the energy sector in a state sponsor of terrorism.

''(B) Any loan, or an extension of credit, to the government of a state sponsor of terrorism by the investor that—

''(i) is outstanding on the date the Corporation enters into a contract with the investor; and

''(ii) that has a value of more than $5,000,000, including the sale of goods for which payment is not required by the purchaser within 45 days.

''(C) The transfer by the investor of goods that are included on the United States Munitions List, referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) to a state sponsor of terrorism within the 3-year period preceding the date the Corporation enters into a contract with the investor.

''(3) EXCEPTION.—An officer of a prospective OPIC-supported United States investor may provide a certification under this subsection notwithstanding the fact that an affiliate of the investor is engaged in a discouraged transaction if the transaction is carried out under a contract or other obligation of the affiliate that was entered into or incurred before the acquisition of such affiliate by the prospective OPIC-supported United States investor or the parent company of the OPIC-supported United States investor.

''(4) DEFINITIONS.—In this subsection:

''(A) AFFILIATE.—The term 'affiliate' means any person that is directly or indirectly controlled by, under common control with, or controls a prospective OPIC-supported United States investor or the parent company of such investor.

''(B) INVESTMENT COMMITMENT IN THE ENERGY SECTOR OF A STATE SPONSOR OF TERRORISM.—The term 'investment commitment in the energy sector of a state sponsor of terrorism' means any of the following activities if such activity is undertaken pursuant to a commitment, or pursuant to the exercise of rights under a commitment, that was entered into with the government of a state sponsor of terrorism or a nongovernmental entity in a country that is a state sponsor of terrorism:

''(i) The entry into a contract that includes responsibility for the development or transportation of petroleum or natural gas resources located in a country that is a state sponsor of terrorism, or the entry into a contract providing for the general supervision or guaranty of another person's performance of such a contract.

''(ii) The purchase of a share of ownership, including an equity interest, in the development of petroleum or natural resources described in clause (i).

''(iii) The entry into a contract providing for the participation in royalties, earnings, or profits in the development of petroleum or natural resources described in clause (i), without regard to the form of the participation.

''(C) STATE SPONSOR OF TERRORISM.—The term 'state sponsor of terrorism' —

''(i) means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 620A of this Act, or section 40 of the Arms Export Control Act; and

''(ii) does not include Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei, Darfur, if the Corporation, with the concurrence of the Secretary of State, determines that providing assistance for projects in such regions will provide emergency relief, promote economic self-sufficiency, or implement a nonmilitary program in support of a viable peace agreement in Sudan, such as the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement.''.

SEC. 4210. CONGRESSIONAL NOTIFICATION REGARDING MAXIMUM CONTINGENT LIABILITY.

Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199), as amended by sections 4207 and 4209, is amended by adding at the end the following:

''(n) CONGRESSIONAL NOTIFICATION OF INCREASE IN MAXIMUM CONTINGENT LIABILITY.—The Corporation shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 15 days after the date on which the Corporation's maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234(b) and (c), exceeds the Corporation's maximum contingent liability for the preceding fiscal year by 25 percent or more.''.

SEC. 4211. EXTENSION OF AUTHORITY TO OPERATE IN IRAQ.

Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199), as amended by sections 4207, 4209, and 4210, is amended by adding at the end the following:

''(o) OPERATIONS IN IRAQ.—Notwithstanding subsections (a) and (b) of section 237, the Corporation is authorized to undertake in Iraq any program authorized by this title.''.

SEC. 4212. LOW-INCOME HOUSING.

Not later than 1 year after the date of the enactment of this Act, the Corporation shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, in consultation with appropriate departments, agencies, and instrumentalities of the United States, as well as private entities, on the feasibility of broadening the assistance the Corporation provides to projects that provide support to low-income home buyers. If the Corporation finds

such assistance is feasible, the Corporation shall identify and begin to implement steps to proceed to provide such assistance.

SEC. 4213. ASSISTANCE FOR SMALL BUSINESSES AND ENTITIES.

Section 240 of the Foreign Assistance Act of 1961 (22 U.S.C. 2200) is amended by adding at the end the following:

''(c) RESOURCES DEDICATED TO SMALL BUSINESSES, COOPERATIVES, AND OTHER SMALL UNITED STATES INVESTORS.—The Corporation shall ensure that adequate personnel and resources, including senior officers, are dedicated to assist United States small businesses, cooperatives, and other small United States investors in obtaining insurance, reinsurance, financing, and other assistance under this title. The Corporation shall include, in each annual report under section 240A, the following information with respect to the period covered by the report:

''(1) A description of such personnel and resources.

''(2) The number of United States small businesses, cooperatives, and other small United States investors that received insurance, reinsurance, financing, and other assistance from the Corporation, and the dollar value of such insurance, reinsurance, financing, and other assistance.

''(3) A description of the projects for which the insurance, reinsurance, financing, and other assistance was provided.''.

SEC. 4214. TECHNICAL CORRECTIONS.

(a) PILOT EQUITY FINANCE PROGRAM.—Section 234 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) TRANSFER AUTHORITY.—Section 235 of the Foreign Assistance Act of 1961 (22 U.S.C. 2195) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(c) GUARANTY CONTRACT.—Section 237(j) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(j)) is amended by inserting ''insurance, reinsurance, and'' after ''Each''.

(d) TRANSFER OF PREDECESSOR PROGRAMS AND AUTHORITIES.—

(1) TRANSFER.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199), as amended by sections 4207, 4209, 4210, and 4211, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (o) as subsections (b) through (n), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 237(m)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(m)(1)) is amended by striking ''239(g)'' and inserting ''239(f)''.

(B) Section 240A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2200A(a)) is amended—

(i) in paragraph (1), by striking ''239(h)'' and inserting ''239(g)''; and

(ii) in paragraph (2)(A), by striking ''239(i)'' and inserting ''239(h)''.

(C) Section 209(e)(16) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113; 31 U.S.C. 1113 note) is amended by striking ''239(c)'' and ''2199(c)'' and inserting ''239(b)'' and ''2199(b)'', respectively.

(e) ADDITIONAL CLERICAL AMENDMENTS.—Section 234(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2194(b)) is amended by striking ''235(a)(2)'' and inserting ''235(a)(1)''.

Subtitle D—Tropical Forest and Coral Conservation Reauthorization Act of 2008

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the ''Tropical Forest and Coral Conservation Reauthorization Act of 2008''.

SEC. 4302. AMENDMENT TO SHORT TITLE OF ACT TO ENCOMPASS EXPANDED SCOPE.

(a) IN GENERAL.—Section 801 of the Tropical Forest Conservation Act of 1998 (Public Law 87–195; 22 U.S.C. 2151 note) is amended by striking ''Tropical Forest Conservation Act of 1998'' and inserting ''Tropical Forest and Coral Conservation Act of 2008''.

(b) REFERENCES.—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the ''Tropical Forest Conservation Act of 1998'' shall be deemed to be a reference to the ''Tropical Forest and Coral Conservation Act of 2008''.

SEC. 4303. EXPANSION OF SCOPE OF ACT TO PROTECT FORESTS AND CORAL REEFS.

(a) IN GENERAL.—Section 802 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431), as renamed by section 2(a), is amended—

(1) in subsections (a)(1), (a)(6), (a)(7), (b)(1), (b)(3), and (b)(4), by striking ''tropical forests'' each place it appears and inserting ''tropical forests and coral reefs and associated coastal marine ecosystems'';

(2) in subsection (a)(2)—

(A) in subparagraph (A), by striking ''resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops'' and inserting ''resources''; and

(B) in subparagraph (C), by striking ''far-flung''; and

(3) in subsection (b)(2)—

(A) by striking ''tropical forests'' the first place it appears and inserting ''tropical forests and coral reefs and associated coastal marine ecosystems'';

(B) by striking ''tropical forests'' the second place it appears and inserting ''areas'';

(C) by striking ''tropical forests'' the third place it appears and inserting ''tropical forests and coral reefs and their associated coastal marine ecosystems''; and

(D) by striking ''that have led to deforestation'' and inserting ''on such countries''.

(b) AMENDMENTS RELATED TO DEFINITIONS.—Section 803 of such Act (22 U.S.C. 2431a) is amended—

(1) in paragraph (5)—

(A) in the heading, by striking ''TROPICAL FOREST'' and inserting ''TROPICAL FOREST OR CORAL REEF'';

(B) in the matter preceding subparagraph (A), by striking ''tropical forest'' and inserting ''tropical forest or coral reef''; and

(C) in subparagraph (B), by striking ''tropical forest'' and inserting ''tropical forest or coral reef''.

(2) by adding at the end the following new paragraphs:

''(10) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

''(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthoza; and

''(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

''(11) CORAL REEF.—The term 'coral reef' means any reef or shoal composed primarily of coral.

''(12) ASSOCIATED COASTAL MARINE ECOSYSTEM.—The term 'associated coastal marine ecosystem' means any coastal marine ecosystem surrounding, or directly related to, a coral reef and important to maintaining the ecological integrity of that coral reef, such as seagrasses, mangroves, sandy seabed communities, and immediately adjacent coastal areas.''.

SEC. 4304. CHANGE TO NAME OF FACILITY.

(a) IN GENERAL.—Section 804 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431b), as renamed by section 4302(a), is amended by striking ''Tropical Forest Facility'' and inserting ''Conservation Facility''.

(b) CONFORMING AMENDMENTS TO DEFINITIONS.—Section 803(8) of such Act (22 U.S.C. 2431a(8)) is amended—

(1) in the heading, by striking ''TROPICAL FOREST FACILITY'' and inserting ''CONSERVATION FACILITY''; and

(2) by striking ''Tropical Forest Facility'' both places it appears and inserting ''Conservation Facility''.

(c) REFERENCES.—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the ''Tropical Forest Facility'' shall be deemed to be a reference to the ''Conservation Facility''.

SEC. 4305. ELIGIBILITY FOR BENEFITS.

Section 805(a) of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431c(a)), as renamed by section 4302(a), is amended by striking ''tropical forest'' and inserting ''tropical forest or coral reef''.

SEC. 4306. UNITED STATES GOVERNMENT REPRESENTATION ON OVERSIGHT BODIES FOR GRANTS FROM DEBT-FOR-NATURE SWAPS AND DEBT-BUYBACKS.

Section 808(a)(5) of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431f(a)(5)), as renamed by section 4302(a), is amended by adding at the end the following new subparagraph:

''(C) UNITED STATES GOVERNMENT REPRESENTATION ON THE ADMINISTERING BODY.—One or more individuals appointed by the United States Government may serve in an official capacity on the administering body that oversees the implementation of grants arising from a debt-for-nature swap or debt buy-back regardless of whether the United States is a party to any agreement between the eligible purchaser and the government of the beneficiary country.''.

SEC. 4307. CONSERVATION AGREEMENTS.

(a) RENAMING OF AGREEMENTS.—Section 809 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431g), as renamed by section 4302(a), is amended—

(1) in the section heading, by striking ''tropical forest agreement'' and inserting ''conservation agreement''; and

(2) in subsection (a)—

(A) by striking ''AUTHORITY'' and all that follows through ''(1) IN GENERAL.—The Secretary'' and inserting ''AUTHORITY.—The Secretary''; and

(B) by striking ''Tropical Forest Agreement'' and inserting ''Conservation Agreement''.

(b) ELIMINATION OF REQUIREMENT TO CONSULT WITH THE ENTERPRISE FOR THE AMERICAS BOARD.—Such subsection is further amended by striking paragraph (2).

(c) ROLE OF BENEFICIARY COUNTRIES.—Such section is further amended—

(1) in subsection (e)(1)(C), by striking ''in exceptional circumstances, the government of the beneficiary country'' and inserting ''in limited circumstances, the government of the beneficiary country when needed to improve governance and enhance management of tropical forests or coral reefs or associated coastal marine ecosystems, without replacing existing levels of financial efforts by the government of the beneficiary country and with priority given to projects that complement grants made under subparagraphs (A) and (B)''; and

(2) by amending subsection (f) to read as follows:

''(f) REVIEW OF LARGER GRANTS.—Any grant of more than $250,000 from a Fund must be approved by the Government of the United States and the government of the beneficiary country.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(2)(A)(i), by inserting ''to serve in an official capacity'' after ''Government'';

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''tropical forests'' and inserting ''tropical forests and coral reefs and associated coastal marine ecosystems related to such coral reefs'';

(B) in paragraph (5), by striking ''tropical forest''; and

(C) in paragraph (6), by striking ''living in or near a tropical forest in a manner consistent with protecting such tropical forest'' and inserting ''dependent on a tropical forest or coral reef or an associated coastal marine ecosystem related to such coral reef and related resources in a manner consistent with conserving such resources''.

(e) CONFORMING AMENDMENTS TO DEFINITIONS.—Section 803(7) of such Act (22 U.S.C. 2431a(7)) is amended—

(1) in the heading, by striking ''TROPICAL FOREST AGREEMENT'' and inserting ''CONSERVATION AGREEMENT''; and

(2) by striking ''Tropical Forest Agreement'' both places it appears and inserting ''Conservation Agreement''.

SEC. 4308. CONSERVATION FUND.

(a) IN GENERAL.—Section 810 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431h), as renamed by section 4302(a), is amended—

(1) in the section heading, by striking ''**TROPICAL FOREST FUND**'' and inserting ''**CONSERVATION FUND**''; and

(2) in subsection (a)—

(A) by striking ''Tropical Forest Agreement'' and inserting ''Conservation Agreement''; and

(B) by striking ''Tropical Forest Fund'' and inserting ''Conservation Fund''.

(b) CONFORMING AMENDMENTS TO DEFINITIONS.—Such Act is further amended—

(1) in section 803(9) (22 U.S.C. 2431a(9))—

(A) in the heading, by striking ''TROPICAL FOREST FUND'' and inserting ''CONSERVATION FUND''; and

(B) by striking ''Tropical Forest Fund'' both places it appears and inserting ''Conservation Fund'';

(2) in section 806(c)(2) (22 U.S.C. 2431d(c)(2)), by striking ''Tropical Forest Fund'' and inserting ''Conservation Fund''; and

(3) in section 807(c)(2) (22 U.S.C. 2431e(c)(2)), by striking ''Tropical Forest Fund'' and inserting ''Conservation Fund''.

SEC. 4309. REPEAL OF AUTHORITY OF THE ENTERPRISE FOR THE AMERICAS BOARD TO CARRY OUT ACTIVITIES UNDER THE FOREST AND CORAL CONSERVATION ACT OF 2008.

(a) IN GENERAL.—Section 811 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431i), as renamed by section 4302(a), is repealed.

(b) CONFORMING AMENDMENTS.—Section 803 of such Act (22 U.S.C. 2431a), as renamed by section 4302(a), is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

SEC. 4310. CHANGES TO DUE DATES OF ANNUAL REPORTS TO CONGRESS.

Section 813 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431k), as renamed by section 4302(a), is amended—

(1) in subsection (a)—

(A) by striking ''(a) IN GENERAL.—Not later than December 31'' and inserting ''Not later than April 15'';

(B) by striking ''Facility'' both places it appears and inserting ''Conservation Facility''; and

(C) by striking ''fiscal year'' both places it appears and inserting ''calendar year''; and

(2) by striking subsection (b).

SEC. 4311. CHANGES TO INTERNATIONAL MONETARY FUND CRITERION FOR COUNTRY ELIGIBILITY.

Section 703(a)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2430b(a)(5)) is amended—

(1) by striking ''or, as appropriate in exceptional circumstances,'' and inserting ''or'';

(2) in subparagraph (A)—

(A) by striking ''or in exceptional circumstances, a Fund monitored program or its equivalent,'' and inserting ''or a Fund monitored program, or is implementing sound macroeconomic policies,''; and

(B) by striking ''(after consultation with the Enterprise for the Americas Board)''; and

(3) in subparagraph (B), by striking ''(after consultation with the Enterprise for Americas Board)''.

SEC. 4312. NEW AUTHORIZATION OF APPROPRIATIONS FOR THE REDUCTION OF DEBT AND AUTHORIZATION FOR AUDIT, EVALUATION, MONITORING, AND ADMINISTRATION EXPENSES.

Section 806 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431d), as renamed by section 4302(a), is amended—

(1) in subsection (d), by adding at the end the following new paragraphs:

''(7) $30,000,000 for fiscal year 2008.

''(8) $30,000,000 for fiscal year 2009.

''(9) $30,000,000 for fiscal year 2010.''; and

(2) by amending subsection (e) to read as follows:

''(e) USE OF FUNDS TO CONDUCT PROGRAM AUDITS, EVALUATIONS, MONITORING, AND ADMINISTRATION.—Of the amounts made available to carry out this part for a fiscal year, $300,000 is authorized to be made available to carry out audits, evaluations, monitoring, and administration of programs under this part, including personnel costs associated with such audits, evaluations, monitoring and administration.''

Subtitle E—Torture Victims Relief Reauthorization Act of 2008

SEC. 4401. SHORT TITLE.

This subtitle may be cited as the ''Torture Victims Relief Reauthorization Act of 2008''.

SEC. 4402. AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2008 and 2009, there are authorized to be appropriated to carry out subsection (a) $25,000,000 for each of the fiscal years 2008 and 2009.''.

SEC. 4403. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2008 and 2009 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), there are authorized to be appropriated to the President to carry out section 130 of such Act $12,000,000 for each of the fiscal years 2008 and 2009.''.

SEC. 4404. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.

Section 6(a) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 2008 and 2009 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there are authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $12,000,000 for each of the fiscal years 2008 and 2009.''.

Subtitle F—Support for the Museum of the History of Polish Jews Act of 2008

SEC. 4501. SHORT TITLE.

This subtitle may be cited as the ''Support for the Museum of the History of Polish Jews Act of 2008''.

SEC. 4502. FINDINGS.

Congress finds the following:

(1) Current and future generations benefit greatly by visible reminders and documentation of the historical and cultural roots of their society.

(2) It is in the national interest of the United States to encourage the preservation and protection of artifacts associated with the heritage of United States citizens who trace their forbearers to other countries and to encourage the collection and dissemination of knowledge about that heritage.

(3) According to the 2000 United States Census, nearly 9,000,000 Americans are of Polish ancestry.

(4) At the beginning of World War II, Poland had the largest Jewish population in Europe.

(5) In 1996, Yeshayahu Weinberg, a founding director of Tel Aviv's Diaspora Museum and the United States Holocaust Memorial Museum, created an international team of experts with the goal of establishing a Museum of the History of Polish Jews.

(6) The Museum of the History of Polish Jews will preserve and present the history of the Jewish people in Poland and the wealth of their culture spanning a period of 1,000 years.

(7) In 1997, the City of Warsaw donated a parcel of land, opposite the Warsaw Ghetto Uprising Memorial, for the explicit use for the Museum of the History of Polish Jews.

(8) In 2005, the Government of Poland and the City of Warsaw agreed to provide 40,000,000 Polish zlotys for the construction of the Museum of the History of Polish Jews.

(9) In 2005, an international architectural competition selected a Finnish firm to design the building for the Museum of the History of Polish Jews.

(10) In 2006, the building for the Museum of the History of Polish Jews moved into the last phase of project design.

SEC. 4503. ASSISTANCE FOR THE MUSEUM OF THE HISTORY OF POLISH JEWS.

(a) AUTHORITY.—The Secretary of State is authorized to provide not more than $5,000,000 in assistance, on such terms and conditions as the Secretary may specify, to fund the establishment of, and maintain the permanent collection of, the Museum of the History of Polish Jews.

(b) EXPIRATION.—The authority under subsection (a) shall expire on October 1, 2010.

TITLE V—COMMERCE, SCIENCE, AND TRANSPORTATION PROVISIONS

Subtitle A—Communications

PART I—BROADBAND DATA IMPROVEMENT ACT

SEC. 5101. SHORT TITLE.

This part may be cited as the ''Broadband Data Improvement Act''.

SEC. 5102. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary State efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 5103. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note) is amended—

(1) by striking ''regularly'' in subsection (b) and inserting ''annually'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

''(1) the population;

''(2) the population density; and

''(3) the average per capita income.''.

(b) INTERNATIONAL COMPARISON.—

(1) IN GENERAL.—As part of the assessment and report required by section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note), the Federal Communications Commission shall include information comparing the extent of broadband service capability (including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers.

(2) CONTENTS.—The Commission shall choose communities for the comparison under this subsection in a manner that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the population size, population density, topography, and demographic profile of various communities within the United States. The Commission shall include in the comparison under this subsection—

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) SIMILARITIES AND DIFFERENCES.—The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, the regulatory model under which broadband service capability is provided, the types of applications and services used, business and residential use of such services, and other media available to consumers.

(c) CONSUMER SURVEY OF BROADBAND SERVICE CAPABILITY.—

(1) IN GENERAL.—For the purpose of evaluating, on a statistically significant basis, the national characteristics of the use of broadband service capability, the Commission shall conduct and make public periodic surveys of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to determine—

(A) the types of technology used to provide the broadband service capability to which consumers subscribe;

(B) the amounts consumers pay per month for such capability;

(C) the actual data transmission speeds of such capability;

(D) the types of applications and services consumers most frequently use in conjunction with such capability;

(E) for consumers who have declined to subscribe to broadband service capability, the reasons given by such consumers for declining such capability;

(F) other sources of broadband service capability which consumers regularly use or on which they rely; and

(G) any other information the Commission deems appropriate for such purpose.

(2) PUBLIC AVAILABILITY.—The Commission shall make publicly available the results of surveys conducted under this subsection at least once per year.

(d) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

(e) PROPRIETARY INFORMATION.—Nothing in this part shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this part be construed to compel the Commission to make publicly available any proprietary information.

SEC. 5104. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabit per second of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds and to consider factors affecting speed that may be outside the control of a broadband provider;

(3) to compare, using comparable metrics and standards, the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 5105. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 5106. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require;

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant; and

(3) agree to comply with confidentiality requirements in subsection (h)(2) of this section.

(d) PEER REVIEW; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K–12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband penetration is significantly below the national average;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, including the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability based on the geographic boundaries of where service is available or unavailable among residential or business customers; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING; BROADBAND INVENTORY MAP.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce website that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) ACCESS TO AGGREGATE DATA.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this part and shall not otherwise limit or affect the rules governing public disclosure of information collected by any Federal or State entity under any other Federal or State law or regulation.

(i) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) an entity that is either—

(i) an agency or instrumentality of a State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of a State;

(ii) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; or

(iii) an independent agency or commission in which an office of a State is a member on behalf of the State; and

(B) is the single eligible entity in the State that has been designated by the State to receive a grant under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(k) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this part any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

PART II—TRAINING FOR REALTIME WRITERS ACT OF 2007

SEC. 5111. SHORT TITLE.

This part may be cited as the ''Training for Realtime Writers Act of 2007''.

SEC. 5112. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 713 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission began enforcing rules requiring full closed captioning of most English television programming on January 1, 2006.

(2) The Federal Communications Commission rules also require that video programming be fully captioned in Spanish by 2010.

(3) More than 30,000,000 Americans are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(4) The National Institute on Deafness and other Communication Disorders estimates that 1 in 3 Americans over the age of 60 has already experienced hearing loss. The 79,000,000 Americans who are identified as ''baby boomers'' represent 39 percent of the population of the United States and most baby boomers began to reach age 60 just in the last few years.

(5) Closed captioning is a continuous source of emergency information for people in mass transit and other congregate settings.

(6) Empirical research studies since 1988 demonstrate that captions improve the performance of individuals learning to read English.

SEC. 5113. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) IN GENERAL.—The Assistant Secretary for Information and Communications of the Department of Commerce shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 713 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this part, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Assistant Secretary that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Assistant Secretary shall give a priority to eligible entities that, as determined by the Assistant Secretary—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training or job placement assistance efforts with respect to realtime writers.

(d) DURATION OF GRANT.—A grant under this section shall be for a period of 2 years.

(e) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the 2-year period of the grant under subsection (d).

SEC. 5114. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 5113, an eligible entity shall submit an application to the Assistant Secretary at such time and in such manner as the Assistant Secretary may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 5113 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 5113(c).

(7) Such other information as the Assistant Secretary may require.

SEC. 5115. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 5113 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) further developing and implementing both English and Spanish curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) mentoring students to ensure successful completion of the realtime training and provide assistance in job placement;

(6) encouraging individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for all such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the school in which the recipient is enrolled to provide realtime writing services for a period of time appropriate (as determined by the Assistant Secretary or the Assistant Secretary's designee) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The Assistant Secretary or the Assistant Secretary's designee shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment or other material terms under subsection (b)(2). Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 5113 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant. The Assistant Secretary shall use not more than 5 percent of the amount available for grants under this part in any fiscal year for administrative costs of the program.

(d) SUPPLEMENT NOT SUPPLANT.—Grants amounts under this part shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.

SEC. 5116. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 5113 shall submit to the Assistant Secretary, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 5114(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

(c) ANNUAL REVIEW.—The Inspector General of the Department of Commerce shall conduct an annual review of the management, efficiency, and effectiveness of the grants made under this part.

SEC. 5117. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Commerce to carry out this part $20,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.

SEC. 5118. SUNSET.

This part is repealed 5 years after the date of the enactment of this Act.

Subtitle B—Oceans

PART I—HYDROGRAPHIC SERVICES IMPROVEMENT ACT AMENDMENTS OF 2008

SEC. 5201. SHORT TITLE.

This part may be cited as the ''Hydrographic Services Improvement Act Amendments of 2008''.

SEC. 5202. DEFINITIONS.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892) is amended by striking paragraphs (3), (4), and (5) and inserting the following:

''(3) HYDROGRAPHIC DATA.—The term 'hydrographic data' means information that—

''(A) is acquired through—

''(i) hydrographic, bathymetric, photogrammetric, lidar, radar, remote sensing, or shoreline and other ocean- and coastal-related surveying;

''(ii) geodetic, geospatial, or geomagnetic measurements;

''(iii) tide, water level, and current observations; or

''(iv) other methods; and

''(B) is used in providing hydrographic services.

''(4) HYDROGRAPHIC SERVICES.—The term 'hydrographic services' means—

''(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;

''(B) the development of nautical information systems; and

''(C) related activities.

''(5) COAST AND GEODETIC SURVEY ACT.—The term 'Coast and Geodetic Survey Act' means the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C. 883a et seq.).''.

SEC. 5203. FUNCTIONS OF THE ADMINISTRATOR.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a) is amended—

(1) by striking ''the Act of 1947,'' in subsection (a) and inserting ''the Coast and Geodetic Survey Act, promote safe, efficient and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act,'';

(2) by striking ''data;'' in subsection (a)(1) and inserting ''data and provide hydrographic services;'' and

(3) by striking subsection (b) and inserting the following:

''(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act, subject to the availability of appropriations, the Administrator—

''(1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

''(2) shall, subject to the availability of appropriations, design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency; and

''(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, may acquire hydrographic data and provide hydrographic

services to support the conservation and management of coastal and ocean resources;

''(4) where appropriate, may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and manmade disasters, and homeland security and maritime domain awareness needs, including obtaining mission assignments (as defined in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741));

''(5) may create, support, and maintain such joint centers with other Federal agencies and other entities as the Administrator deems appropriate or necessary to carry out the purposes of this Act; and

''(6) notwithstanding the existence of such joint centers, shall award contracts for the acquisition of hydrographic data in accordance with subchapter VI of chapter 10 of title 40, United States Code.''.

SEC. 5204. HYDROGRAPHIC SERVICES REVIEW PANEL.

Section 305(c)(1)(A) of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c(c)(1)(A)) is amended to read as follows:

''(A) The panel shall consist of 15 voting members who shall be appointed by the Administrator. The Co-directors of the Center for Coastal and Ocean Mapping/Joint Hydrographic Center and no more than 2 employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in 1 or more of the disciplines and fields relating to hydrographic data and hydrographic services, marine transportation, port administration, vessel pilotage, coastal and fishery management, and other disciplines as determined appropriate by the Administrator.''.

SEC. 5205. AUTHORIZATION OF APPROPRIATIONS.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended to read as follows:

''SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Administrator the following:

''(1) To carry out nautical mapping and charting functions under sections 304 and 305, except for conducting hydrographic surveys—

''(A) $55,000,000 for fiscal year 2009;

''(B) $56,000,000 for fiscal year 2010;

''(C) $57,000,000 for fiscal year 2011; and

''(D) $58,000,000 for fiscal year 2012.

''(2) To contract for hydrographic surveys under section 304(b)(1), including the leasing or time chartering of vessels—

''(A) $32,130,000 for fiscal year 2009;

''(B) $32,760,000 for fiscal year 2010;

''(C) $33,390,000 for fiscal year 2011; and

''(D) $34,020,000 for fiscal year 2012.

''(3) To operate hydrographic survey vessels owned by the United States and operated by the Administration—

''(A) $25,900,000 for fiscal year 2009;

''(B) $26,400,000 for fiscal year 2010;

''(C) $26,900,000 for fiscal year 2011; and

''(D) $27,400,000 for fiscal year 2012.

''(4) To carry out geodetic functions under this title—

''(A) $32,640,000 for fiscal year 2009;

''(B) $33,280,000 for fiscal year 2010;

''(C) $33,920,000 for fiscal year 2011; and

''(D) $34,560,000 for fiscal year 2012.

''(5) To carry out tide and current measurement functions under this title—

''(A) $27,000,000 for fiscal year 2009;

''(B) $27,500,000 for fiscal year 2010;

''(C) $28,000,000 for fiscal year 2011; and

''(D) $28,500,000 for fiscal year 2012.

''(6) To acquire a replacement hydrographic survey vessel capable of staying at sea continuously for at least 30 days $75,000,000.''.

SEC. 5206. AUTHORIZED NOAA CORPS STRENGTH.

Section 215 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3005) is amended to read as follows:

''SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

''Effective October 1, 2009, the total number of authorized commissioned officers on the lineal list of the commissioned corps of the National Oceanic and Atmospheric Administration shall be increased from 321 to 379 if—

''(1) the Secretary has submitted to the Congress—

''(A) the Administration's ship recapitalization plan for fiscal years 2010 through 2024;

''(B) the Administration's aircraft remodernization plan; and

''(C) supporting workforce management plans;

''(2) appropriated funding is available; and

''(3) the Secretary has justified organizational needs for the commissioned corps for each such fiscal year.''

PART II—OCEAN EXPLORATION

Subpart A—Exploration

SEC. 5211. PURPOSE.

The purpose of this subpart is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 5212. PROGRAM ESTABLISHED.

The Administrator or the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 5213. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 5212, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 5215;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 5214. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this subpart and subpart B of this part;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 5215. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 5213(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.—Nothing in subpart supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 5216. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this subpart—

(1) $33,550,000 for fiscal year 2009;
(2) $36,905,000 for fiscal year 2010;
(3) $40,596,000 for fiscal year 2011;
(4) $44,655,000 for fiscal year 2012;
(5) $49,121,000 for fiscal year 2013;
(6) $54,033,000 for fiscal year 2014; and
(7) $59,436,000 for fiscal year 2015.

Subpart B—NOAA Undersea Research Program Act of 2008

SEC. 5221. SHORT TITLE.

This subpart may be cited as the ''NOAA Undersea Research Program Act of 2008''.

SEC. 5222. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) PURPOSE.—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 5223. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 5224. ADMINISTRATIVE STRUCTURE.

(a) IN GENERAL.—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) DIRECTION.—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 5225. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) OPERATIONS.—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 5226. COMPETITIVENESS.

(a) DISCRETIONARY FUND.—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 5224 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 5227. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) $13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) $15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) $16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) $18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) $20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) $22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) $24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $9,744,000 for the National Technology Institute.

PART III—OCEAN AND COASTAL MAPPING INTEGRATION ACT

SEC. 5231. SHORT TITLE.

This part may be cited as the ''Ocean and Coastal Mapping Integration Act''.

SEC. 5232. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) MEMBERSHIP.—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) PROGRAM PARAMETERS.—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the

Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 5233. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 5232.

(b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this part. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CO-CHAIRMEN.—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) SUBCOMMITTEE.—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) MEETINGS.—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) COORDINATION.—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) ADVISORY PANEL.—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

SEC. 5234. BIANNUAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biannually thereafter, the co-chairmen of the Committee shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this part, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this part that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with nongovernmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

SEC. 5235. PLAN.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this part, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences

for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) NOAA REPORT.—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 5236. EFFECT ON OTHER LAWS.

Nothing in this part shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

SEC. 5237. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this part—

(1) $26,000,000 for fiscal year 2009;

(2) $32,000,000 for fiscal year 2010;

(3) $38,000,000 for fiscal year 2011; and

(4) $45,000,000 for each of fiscal years 2012 through 2015.

(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 5235(c) of this part:

(1) $11,000,000 for fiscal year 2009.

(2) $12,000,000 for fiscal year 2010.

(3) $13,000,000 for fiscal year 2011.

(4) $15,000,000 for each of fiscal years 2012 through 2015.

(c) COOPERATIVE AGREEMENTS.—To carry out interagency activities under section 5233 of this part, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

SEC. 5238. DEFINITIONS.

In this part:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term ''coastal state'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4).

(3) COMMITTEE.—The term ''Committee'' means the Interagency Ocean Mapping Committee established by section 5233.

(4) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) OCEAN AND COASTAL MAPPING.—The term ''ocean and coastal mapping'' means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) TERRITORIAL SEA.—The term ''territorial sea'' means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) NONGOVERNMENTAL ENTITIES.—The term ''nongovernmental entities'' includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite imagines, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

PART IV—NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2008

SEC. 5241. SHORT TITLE.

This part may be cited as the ''National Sea Grant College Program Amendments Act of 2008''.

SEC. 5242. REFERENCES.

Except as otherwise expressly provided therein, whenever in this part an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 5243. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 202(a) (33 U.S.C. 1121(a)) is amended—

(1) by striking subparagraphs (D) and (E) of paragraph (1) and inserting the following:

''(D) encourage the development of preparation, forecast, analysis, mitigation, response, and recovery systems for coastal hazards;

''(E) understand global environmental processes and their impacts on ocean, coastal, and Great Lakes resources; and'';

(2) by striking ''program of research, education,'' in paragraph (2) and inserting ''program of integrated research, education, extension,''; and

(3) by striking paragraph (6) and inserting the following:

''(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and engagement through the promotion of activities that will result in greater such understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.''.

(b) PURPOSE.—Section 202(c) (33 U.S.C. 1121(c)) is amended by striking ''to promote research, education, training, and advisory service activities'' and inserting ''to promote integrated research, education, training, and extension services and activities''.

(c) TERMINOLOGY.—Subsections (a) and (b) of section 202 (15 U.S.C. 1121(a) and (b)) are amended by inserting ''management,'' after ''development,'' each place it appears.

SEC. 5244. DEFINITIONS.

(a) IN GENERAL.—Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (4) by inserting ''management,'' after ''development,'';

(2) in paragraph (11) by striking ''advisory services'' and inserting ''extension services''; and

(3) in each of paragraphs (12) and (13) by striking ''(33 U.S.C. 1126)''.

(b) REPEAL.—Section 307 of the Act entitled ''An Act to provide for the designation of the Flower Garden Banks National Marine Sanctuary'' (Public Law 102–251; 106 Stat. 66) is repealed.

SEC. 5245. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) PROGRAM ELEMENTS.—Section 204(b) (33 U.S.C. 1123(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;'';

(2) by amending paragraph (2) to read as follows:

''(2) administration of the national sea grant college program and this title by the national sea grant office and the Administration;''; and

(3) by amending paragraph (4) to read as follows:

''(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the Board and with the approval of the sea grant colleges and the sea grant institutes.''.

(b) TECHNICAL CORRECTION.—Section 204(c)(2) (33 U.S.C. 1123(c)(2)) is amended by striking ''Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the'' and inserting ''The''.

(c) FUNCTIONS OF DIRECTOR OF NATIONAL SEA GRANT COLLEGE PROGRAM.—Section 204(d) (33 U.S.C. 1123(d)) is amended—

(1) in paragraph (2)(A), by striking ''long range'';

(2) in paragraph (3)(A)—

(A) by striking ''(A)(i) evaluate'' and inserting ''(A) evaluate and assess'';

(B) by striking ''activities; and'' and inserting ''activities;''; and

(C) by striking clause (ii); and

(3) in paragraph (3)(B)—

(A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively, and by inserting after clause (i) the following:

''(ii) encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);'';

(B) in clause (iii) (as so redesignated) by striking ''encourage'' and inserting ''ensure'';

(C) in clause (iv) (as so redesignated) by striking ''and'' after the semicolon;

(D) by inserting after clause (v) (as so redesignated) the following:

''(vi) encourage cooperation with Minority Serving Institutions to enhance collaborative research opportunities and increase the number of such students graduating in NOAA science areas; and''.

SEC. 5246. PROGRAM OR PROJECT GRANTS AND CONTRACTS.

Section 205 (33 U.S.C. 1124) is amended—

(1) by striking ''204(c)(4)(F).'' in subsection (a) and inserting ''204(c)(4)(F) or that are appropriated under section 208(b).''; and

(2) by striking the matter following paragraph (3) in subsection (b) and inserting the following:

''The total amount that may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 212.''.

SEC. 5247. EXTENSION SERVICES BY SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(a) (33 U.S.C. 1126(a)) is amended in each of paragraphs (2)(B) and (3)(B) by striking ''advisory services'' and inserting ''extension services''.

SEC. 5248. FELLOWSHIPS.

Section 208(a) (33 U.S.C. 1127) is amended—

(1) by striking ''Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter,'' in subsection (a) and inserting ''Every 2 years,''; and

(2) by adding at the end the following:

''(c) Restriction on Use of Funds.—Amounts available for fellowships under this section, including amounts accepted under section 204(c)(4)(F) or appropriated under section 212 to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.''

SEC. 5249. NATIONAL SEA GRANT ADVISORY BOARD.

(a) REDESIGNATION OF SEA GRANT REVIEW PANEL AS BOARD.—

(1) REDESIGNATION.—The sea grant review panel established by section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128), as in effect before the date of the enactment of this Act, is redesignated as the National Sea Grant Advisory Board.

(2) MEMBERSHIP NOT AFFECTED.—An individual serving as a member of the sea grant review panel immediately before date of the enactment of this Act may continue to serve as a member of the National Sea Grant Advisory Board until the expiration of such member's term under section 209(c) of such Act (33 U.S.C. 1128(c)).

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to such sea grant review panel is deemed to be a reference to the National Sea Grant Advisory Board.

(4) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 209 (33 U.S.C. 1128) is amended by striking so much as precedes subsection (b) and inserting the following:

''SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

''(a) ESTABLISHMENT.—There shall be an independent committee to be known as the National Sea Grant Advisory Board.''.

(B) DEFINITION.—Section 203(9) (33 U.S.C. 1122(9)) is amended to read as follows:

''(9) The term 'Board' means the National Sea Grant Advisory Board established under section 209.'';

(C) OTHER PROVISIONS.—The following provisions are each amended by striking ''panel'' each place it appears and inserting ''Board'':

(i) Section 204 (33 U.S.C. 1123).

(ii) Section 207 (33 U.S.C. 1126).

(iii) Section 209 (33 U.S.C. 1128).

(b) DUTIES.—Section 209(b) (33 U.S.C. 1128(b)) is amended to read as follows:

''(b) DUTIES.—

''(1) IN GENERAL.—The Board shall advise the Secretary and the Director concerning—

''(A) strategies for utilizing the sea grant college program to address the Nation's highest priorities regarding the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources;

''(B) the designation of sea grant colleges and sea grant institutes; and

''(C) such other matters as the Secretary refers to the Board for review and advice.

''(2) BIENNIAL REPORT.—The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.''.

(c) MEMBERSHIP, TERMS, AND POWERS.—Section 209(c)(1) (33 U.S.C. 1128(c)(1)) is amended—

(1) by inserting ''coastal management,'' after ''resource management,''; and

(2) by inserting ''management,'' after ''development,''.

(d) EXTENSION OF TERM.—Section 209(c)(3) (33 U.S.C. 1128(c)(3)) is amended by striking the second sentence and inserting the following: ''The Director may extend the term of office of a voting member of the Board once by up to 1 year.''.

(e) ESTABLISHMENT OF SUBCOMMITTEES.—Section 209(c) (33 U.S.C. 1128(c)) is amended by adding at the end the following:

''(8) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.''.

SEC. 5250. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—

(1) by striking subsection (a)(1) and inserting the following: ''

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $72,000,000 for fiscal year 2009;

''(B) $75,600,000 for fiscal year 2010;

''(C) $79,380,000 for fiscal year 2011;

''(D) $83,350,000 for fiscal year 2012;

''(E) $87,520,000 for fiscal year 2013; and

''(F) $91,900,000 for fiscal year 2014.'';

(2) in subsection (a)(2)—

(A) by striking ''fiscal years 2003 through 2008—'' and inserting ''fiscal years 2009 through 2014—'';

(B) by striking ''biology and control of zebra mussels and other important aquatic'' in subparagraph (A) and inserting ''biology, prevention, and control of aquatic''; and

(C) by striking ''blooms, including Pfiesteria piscicida; and'' in subparagraph (C) and inserting ''blooms; and'';

(3) in subsection (c)(1) by striking ''rating under section 204(d)(3)(A)'' and inserting ''performance assessments''; and

(4) by striking subsection (c)(2) and inserting the following:

''(2) regional or national strategic investments authorized under section 204(b)(4);''.

PART V—INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM ACT OF 2008

SEC. 5261. SHORT TITLE.

This part may be cited as the ''Integrated Coastal and Ocean Observation System Act of 2008''.

SEC. 5262. PURPOSES.

The purposes of this part are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

SEC. 5263. DEFINITIONS.

In this part:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as Administrator of the National Oceanic and Atmospheric Administration.

(2) COUNCIL.—The term ''Council'' means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) FEDERAL ASSETS.—The term ''Federal assets'' means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The term ''Interagency Ocean Observation Committee'' means the committee established under section 5264(c)(2).

(5) NON-FEDERAL ASSETS.—The term ''non-Federal assets'' means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—The term ''regional information coordination entity'' means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 5264(c)(3) of this part and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) CERTAIN INCLUDED ASSOCIATIONS.—The term ''regional information coordination entity'' includes regional associations described in the System Plan.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(8) SYSTEM.—The term ''System'' means the National Integrated Coastal and Ocean Observation System established under section 5264.

(9) SYSTEM PLAN.—The term ''System Plan'' means the plan contained in the document entitled ''Ocean.US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan'', as updated by the Council under this part.

SEC. 5264. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 5262 of this part and the System Plan and to fulfill the Nation's international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) SYSTEM ELEMENTS.—

(1) IN GENERAL.—In order to fulfill the purposes of this part, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this part and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—

(1) COUNCIL FUNCTIONS.—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this part, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observation Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

(2) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this part and the System Plan;

(B) develop and transmit to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this part on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this part and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—To be certified or established under this part, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this part and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this part, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.

(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 5262;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

(3) MEMBERS.—

(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this part, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this part shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

SEC. 5265. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this part, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this part and fulfillment of the System Plan.

SEC. 5266. APPLICATION WITH OTHER LAWS.

Nothing in this part supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 5267. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this part.

(b) CONTENTS.—The report shall include—

(1) a description of activities carried out under this part and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

SEC. 5268. PUBLIC-PRIVATE USE POLICY.

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 5269. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

SEC. 5270. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this part shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter

into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of $250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

SEC. 5271. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this part and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

PART VI—FEDERAL OCEAN ACIDIFICATION RESEARCH AND MONITORING ACT OF 2008

SEC. 5281. SHORT TITLE.

This part may be cited as the ''Federal Ocean Acidification Research And Monitoring Act of 2008'' or the ''FOARAM Act''.

SEC. 5282. PURPOSES.

(a) PURPOSES.—The purposes of this part are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 5283. DEFINITIONS.

In this part:

(1) OCEAN ACIDIFICATION.—The term ''ocean acidification'' means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) SUBCOMMITTEE.—The term ''Subcommittee'' means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 5284. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—

(1) IN GENERAL.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 5285 of this part and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 5285 of this part.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 5285.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 5285 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 5285. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) PROGRAM ELEMENTS.—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input,

and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) PUBLIC PARTICIPATION.—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 5286. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 5285 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this part, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this part, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this part on such terms as the Secretary considers appropriate.

SEC. 5287. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) CONSISTENCY.—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 5285.

(c) COORDINATION.—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 5288. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) OCEAN ACIDIFICATION ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) PROGRAM CONSISTENCY.—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 5285.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 5289. AUTHORIZATION OF APPROPRIATIONS.

(a) NOAA.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this part—

(1) $8,000,000 for fiscal year 2009;
(2) $12,000,000 for fiscal year 2010;
(3) $15,000,000 for fiscal year 2011; and
(4) $20,000,000 for fiscal year 2012.

(b) NSF.—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this part—

(1) $6,000,000 for fiscal year 2009;
(2) $8,000,000 for fiscal year 2010;
(3) $12,000,000 for fiscal year 2011; and
(4) $15,000,000 for fiscal year 2012.

TITLE VI—HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS PROVISIONS

Subtitle A—National Capital Transportation Amendments Act of 2008

SEC. 6101. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This subtitle may be cited as the ''National Capital Transportation Amendments Act of 2008''.

(b) FINDINGS.—Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

SEC. 6102. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9—1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(2) DEFINITIONS.—In this section—

(A) the term ''Transit Authority'' means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and

(B) the term ''Compact'' means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89—774).

(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.

(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

(B) For purposes of this paragraph, the term ''dedicated funding source'' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized

under this subtitle for payments to the Transit Authority.

(2) An amendment establishing an Office of the Inspector General of the Transit Authority.

(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

(e) ACCESS TO WIRELESS SERVICE IN METRORAIL SYSTEM.—

(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

(A) Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.

(B) Not later than 4 years after such date, throughout the rail system.

(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.

(5) DEFINITION.—In this subsection, the term ''licensed wireless provider'' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

(f) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

(g) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

Subtitle B—Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act''.

SEC. 6202. ESTABLISHMENT OF NATIONAL DATABASE.

(a) IN GENERAL.—The Archivist of the United States shall preserve relevant records and establish, as part of the National Archives, an electronically searchable national database consisting of historic records of servitude, emancipation, and post-Civil War reconstruction, including Refugees, Freedman and Abandoned Lands Records, the Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Impressments Records, Slave Payroll Records, Slave Manifest, and others, contained within the agencies and departments of the Federal Government to assist African Americans and others in conducting genealogical and historical research.

(b) MAINTENANCE.—The database established under this section shall be maintained by the National Archives or an entity within the National Archives designated by the Archivist.

SEC. 6203. GRANTS FOR ESTABLISHMENT OF STATE AND LOCAL DATABASES.

(a) IN GENERAL.—The National Historical Publications and Records Commission of the National Archives shall provide grants to States, colleges and universities, museums, libraries, and genealogical associations to preserve records and establish electronically searchable databases consisting of local records of servitude, emancipation, and post-Civil War reconstruction.

(b) MAINTENANCE.—The databases established using grants provided under this section shall be maintained by appropriate agencies or institutions designated by the National Historical Publications and Records Commission.

SEC. 6204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $5,000,000 to implement section 6202; and

(2) $5,000,000 to provide grants under section 6203.

Subtitle C—Predisaster Hazard Mitigation Act of 2008

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the ''Predisaster Hazard Mitigation Act of 2008''.

SEC. 6302. PREDISASTER HAZARD MITIGATION.

(a) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

''(f) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The President shall award financial assistance under this section on a competitive basis and in accordance with the criteria in subsection (g).

''(2) MINIMUM AND MAXIMUM AMOUNTS.—In providing financial assistance under this section, the President shall ensure that the amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year—

''(A) is not less than the lesser of—

''(i) $575,000; or

''(ii) the amount that is equal to 1 percent of the total funds appropriated to carry out this section for the fiscal year; and

''(B) does not exceed the amount that is equal to 15 percent of the total funds appropriated to carry out this section for the fiscal year.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended to read as follows:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $210,000,000 for fiscal year 2009;

''(2) $230,000,000 for fiscal year 2010; and

''(3) $250,000,000 for fiscal year 2011.''.

SEC. 6303. FLOOD CONTROL PROJECTS.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''flood control project''—

(A) means a project relating to the repair or rehabilitation of a levee the construction of which has been completed before the date of enactment of this Act that is—

(i) Federally constructed; or

(ii) a non-Federal levee the owners of which are participating in the emergency response to natural disasters program established under section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n); and

(B) does not include any project the maintenance of which is the responsibility of a Federal department or agency, including the Corps of Engineers.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review the guidance issued by the Federal Emergency Management Agency relating to the eligibility of flood control projects under the predisaster mitigation program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133).

(2) CONTENTS.—As part of the review under this subsection, the Administrator shall—

(A) request proposals for potential flood control projects from not less than 5 States in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) relating to flooding during the 1-year period ending on the date of enactment of this Act;

(B) develop additional criteria for selection of States under subparagraph (A), which shall be reviewed by the Government Accountability Office;

(C) evaluate the cost-effectiveness of proposals received under subparagraph (A); and

(D) review the report by the Committee on Levee Safety required under section 9003(c)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 3302(c)(2)).

(c) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Administrator completes the review required under subsection (b)(1), the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the review under subsection (b)(1) of the suitability of using funds under the predisaster mitigation program for flood control projects, including any recommendations for changes to the administrative guidance of the Federal Emergency Management Agency.

(2) GAO REPORT.—Not later than 240 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report assessing the criteria developed by the Administrator under subsection (b)(2)(B).

(d) PILOT PROJECT.—

(1) IN GENERAL.—After the Administrator completes the review required under subsection (b)(1), the Administrator may make grants for not more than 5 flood control

projects during fiscal year 2010, selected from among proposals submitted to the Administrator in response to the request under subsection (b)(2)(A). The selection of projects under this subsection by the Administrator shall be consistent with section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by this Act.

(2) OTHER CRITERIA.—The projects selected under this subsection shall meet the criteria under subsections (b), (e), and (g) of section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133).

SEC. 6304. TECHNICAL AND CONFORMING AMENDMENTS.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) in section 602(a), by striking paragraph (7) and inserting the following:

''(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.''; and

(2) by striking ''Director'' each place it appears and inserting ''Administrator'', except—

(A) the second and fourth place it appears in section 622(c);

(B) in section 622(d); and

(C) in section 626(b).

TITLE VII—RULES AND ADMINISTRATION PROVISIONS

SEC. 7001. CONSTRUCTION OF GREENHOUSE FACILITY.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $12,000,000 to carry out this section. Such sums shall remain available until expended.

By Mr. GRASSLEY:

S. 3300. A bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to introduce the Rural Hospital Act of 2008. Back in December, I stood before this body explaining that we were only passing a 6-month Medicare bill in order to provide the opportunity for us to address a number of priorities. One of the biggest priorities I identified was the need to ensure access to rural hospital services.

The type of rural hospitals that top the priority list are what are known as ''tweeners.'' These hospitals are too large to be critical access hospitals, but too small to be financially viable under the Medicare hospital prospective payment systems. It is absolutely imperative that these tweener hospitals get the assistance they need in order to keep their doors open. They are often not only the sole provider of health care in rural areas but are also significant employers and purchasers in the community. Also, the presence of a hospital is essential for purposes of economic development because businesses check to see if a hospital is in the community in which they might set up shop.

While the Medicare bill that Congress just enacted improves the situation for some tweeners, many more are left in financial peril. It is unfortunate that comprehensive payment reforms for tweener hospitals were not included in the bill that just passed. As you know, I have long proposed a number of tweener payment improvements in previous bills this Congress and they were included in the agreement that Senator BAUCUS and I reached for this year's Medicare bill. Unfortunately, the core tweener hospital payment improvements were dropped from the bill once the process became partisan.

It is for this reason that I am introducing this bill. We must improve the financial health of tweener hospitals and ensure that people have access to health care.

Most tweener hospitals are currently designated as Medicare Dependent Hospitals and Sole Community Hospitals under the Medicare program. While the bill that recently passed Congress improves payments for Sole Community Hospitals, there are no provisions that benefit Medicare Dependent Hospitals. This bill would benefit Medicare Dependent Hospitals by not adjusting their payments for area wages unless it would result in improved payments.

Also, a major driver of the financial difficulties that tweener hospitals face is the fact that many have relatively low volumes of inpatient admissions. Back when we passed the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, I made sure that this law included an add-on payment for low volume rural hospitals. This bill would improve the existing low-volume add-on payment for hospitals so that more rural facilities, both Medicare Dependent Hospitals and Sole Community Hospitals, with low volumes would receive the assistance they desperately need.

To offset the increases in spending from these tweener hospital payment improvements, this bill would address another priority that we wanted to include in a more comprehensive Medicare bill. Many know my position regarding physician owned hospitals and my concern about the effect these facilities have on health care access and costs as well as patient safety. There has been much debate regarding these facilities over the years, especially with physician owned limited service hospitals. This bill would eliminate the exceptions under the physician self-referral laws for physician-owned hospitals and provide a limited exception for existing facilities.

As you can see, we still have much to do when it comes to ensuring access to health care in rural America. I look forward to working with my colleagues on this urgent matter.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3304. A bill to designate the North Palisade in the Sierra Nevada in the State of California as ''Brower Palisade'' in honor of the late David Brower; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and my colleague Senator BOXER to introduce the Brower Palisade Designation Act and honor the life of one of our Nation's most influential environmental stewards, the late David Brower.

The Brower Palisade Designation Act renames the North Palisade—a prominent peak in the Sierra Nevada—''Brower Palisade'' in his honor.

David Brower dedicated his life to environmental advocacy and helped shape the conservation movement in California and across the Nation.

His efforts raised public awareness about the environment and the need to preserve our resources for future generations.

Former Secretary of the Interior Stewart Udall once referred to David Brower as the ''giant of 20th Century conservation in the United States.''

In 1952, David Brower was named the first executive director of the Sierra Club, one of the most prominent environmental and conservation organizations in the U.S. He held this position for nearly 2 decades.

David Brower's leadership led to the creation of many units of the National Park System, including North Cascades National Park, Redwood National Park and Point Reyes National Seashore.

He also played a significant role in helping to draft the Wilderness Act, which has preserved much of the Sierra Nevada, including his favorite group peaks, the Palisades.

Renaming the North Palisade peak ''Brower Palisade'' will be a lasting reminder of David Brower's leadership and invaluable contributions to the environmental community for generations to come.

I encourage my colleagues to support the Brower Palisade Designation Act and join me in honoring the achievements of one of our most notable environmental advocates, David Brower.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Brower Palisade Designation Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) David Brower dedicated his life to environmental advocacy and was 1 of the most notable environmental stewards of the United States;

(2) former Secretary of the Interior Stewart Udall referred to David Brower as the

''giant of 20th Century conservation in the United States'';

(3) David Brower was nominated for the Nobel Peace Prize 3 times;

(4) David Brower was named the first executive director of the Sierra Club, 1 of the most prominent environmental and conservation organizations in the United States;

(5) the efforts of David Brower led to the creation of many units of the National Park System, including North Cascades National Park, Redwood National Park, and Point Reyes National Seashore;

(6) the leadership of David Brower helped protect the Grand Canyon National Park and Dinosaur National Monument;

(7) David Brower played a important role in drafting the Wilderness Act (16 U.S.C. 1131 et seq.), which has protected much of the Sierra Nevada;

(8) David Brower revolutionized rock-climbing and mountaineering in the United States and is credited with more than 70 first ascents of Sierra Nevada peaks;

(9) David Brower made the first winter ascent of North Palisade and the first ascent of the Northwest Ridge of the peak; and

(10) the Palisade group of peaks, on the border of Kings Canyon National Park and Inyo National Forest, was David Brower's favorite part of the Sierra Nevada.

SEC. 3. DESIGNATION OF BROWER PALISADE.

(a) DESIGNATION.—The North Palisade, a prominent peak in the Palisade group of peaks in the Sierra Nevada bordering Kings Canyon National Park and the Inyo National Forest in the State of California, shall be known and designated as the ''Brower Palisade''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the peak described in subsection (a) shall be deemed to be a reference to the Brower Palisade.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. REID, Mr. OBAMA, Mr. SCHUMER, Mr. LEAHY, Mrs. CLINTON, Mrs. MURRAY, and Mr. WYDEN):

S. 3308. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Rules and Administration.

Mr. President, I am pleased to be an original cosponsor of the Veteran Voting Support Act, which Senator FEINSTEIN and Senator KERRY have introduced today.

This bill will address an issue of great concern to me and to so many Americans: the rights of Americans who fight to defend our values and freedoms abroad must have the full enjoyment of those rights here at home. This legislation responds to an announcement by the Bush administration's Department of Veterans Affairs that it will ban non-partisan organizations and state election officials from conducting voter registration drives at its facilities.

It is a sad commentary that in our great Nation, so many of our young veterans who have been treated shamefully by their government when it sent them into harm's way under false pretenses are again mistreated after they return home. Our troops were sent to fight an unnecessary war in Iraq—without sufficient armor, without adequate reinforcements, without a plan to win the peace, and without adequate medical care and other services to help them adapt to life upon their return.

Given this President's obsession with democracy taking root in the Middle East, I would think that at a minimum he would be equally concerned with guaranteeing the right to vote to veterans returning home after risking life and limb spreading that right to others. Yet, his administration has done just the opposite. Under this President's watch, the Department of Veteran Affairs has erected barriers to voter registration that impede veterans being treated in VA facilities from participating in the political process.

First, this administration's Department of Veteran Affairs has shown little interest in, or commitment to, assisting veterans in exercising the fundamental right to vote. Since 2004, the Department has often sided in Federal court against allowing third-party organizations to conduct voter registration drives at VA hospitals. Until this past April, the Department's national policy was silent on whether it could assist disabled veterans access and complete voter registration forms. Indeed, court findings appear to indicate that in some instances, the Department may have even prohibited its own staff from providing such assistance.

Second, although the Department has made recent strides to allow veterans more access to voter registration forms, it has not gone far enough. Three months ago, the Department issued a written directive' requiring all VA facilities to develop voter registration plans that would assist patients in registering to vote. I applaud this action as a positive first step. However, I am concerned that the new directive stops short of mandating that VA facilities affirmatively offer disabled veterans a chance to register to vote. To paraphrase Paul Sullivan, the Executive Director of Veterans for Commonsense, the new directive only changed the Department from being in active opposition to veterans' voter registration to passively supporting it.

Third, and perhaps most troubling, the new directive prohibits third-party organizations and state election officials from conducting nonpartisan voter registration drives among veterans at VA facilities. I am concerned that this ban will not only undermine the Department's goal of assisting disabled veterans in registering and voting, but will also make it more difficult for these Americans to participate in the political process.

The Veterans Voting Support Act would address these concerns. This important measure would designate VA facilities as voter registration agencies, thereby ensuring that the Department actively offers veterans the assistance they need to vote and register to vote. This provision would also protect disabled veterans from being disenfranchised by a procedural technicality. In addition, the bill provides our veterans with information relating to the opportunity to request an absentee ballot, ensure the ballots are available upon request, as well as provide assistance in completing them.

It would also require a meaningful opportunity for nonpartisan groups and election officials to provide voter registration information and assistance at VA hospitals. The Department was founded on the principle that its first duty to veterans was to meet their medical, social, and civic needs, including the full participation of veterans in our society. As a corollary, this provision will strengthen that mandate and send an important message to our veterans: our country will make every effort to ensure that those who sacrificed so much to expand democracy around the globe are involved in our democracy at home.

Finally, to ensure that the Department does not backslide from its critical function of expanding the civic involvement of disabled veterans, the bill also provides reporting requirements to ensure that the Department complies with this important goal.

The Nation's disabled veterans have given extraordinary service to our country. These courageous men and women deserve our help to ensure that they receive the necessary assistance to guarantee their full participation in our democracy. I look forward to Senate passage of the Veterans Voting Support Act, and I hope the House and the President will act quickly on this legislation to ensure the implementation of this important measure in time for the upcoming national election.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 617—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF ERIC NORD, CO-FOUNDER OF THE NORDSON CORPORATION, INNOVATIVE BUSINESSMAN AND ENGINEER, AND GENEROUS OHIO PHILANTHROPIST

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 617

Whereas Eric Nord, an Amherst, Ohio, native was born on November 8, 1917;

Whereas Eric Nord graduated from Amherst High School in 1935 and received a bachelor of science in mechanical engineering from the Case Institute of Technology, now known as Case Western Reserve University;

Whereas Eric Nord co-founded Ohio-based Nordson Corporation with his father and brother;

Whereas Eric Nord served as President of Nordson Corporation from 1954 to 1974, Chairman and CEO from 1974 to 1983, Chairman of the Board of Directors from 1983 to 1997, and Chairman Emeritus from 1997 to 2008;

Whereas Eric Nord was awarded 25 United States patents;

Whereas Eric Nord oversaw the early growth of Nordson Corporation from a local

business with less than $1,000,000 in annual sales to a multinational corporation with annual sales of $121,000,000;

Whereas Eric Nord's creativity and vision merited numerous honors and awards, including an honorary doctorate of science from Oberlin College and the Case Alumni Association Gold Medal Award in recognition of outstanding technical innovation, successful business management, and dedicated public service;

Whereas Eric Nord established the Nord Family Foundation, the Nordson Corporation Foundation, the Community Foundation of Greater Lorain County, and the Eric and Jane Nord Foundation;

Whereas the charitable work of Eric Nord contributed more than $100,000,000 to worthy causes;

Whereas Eric Nord was a strong advocate for civil rights, fighting to establish fair housing practices for minorities in Oberlin, Ohio, during the 1960s;

Whereas Eric Nord was a beloved member of the community, philanthropist, husband, and father;

Whereas Eric Nord was an advocate for education, the arts, and social services; and

Whereas Ohio has lost an exemplary citizen and innovator with the passing of Eric Nord on June 19, 2008: Now, therefore, be it

Resolved, That the Senate honors the life and recognizes the accomplishments of Eric Nord, a civic-minded business leader, compassionate humanitarian, and dedicated family man.

SENATE RESOLUTION 618—RECOGNIZING THE TENTH ANNIVERSARY OF THE BOMBING OF THE UNITED STATES EMBASSIES IN NAIROBI, KENYA AND DAR ES SALAAM, TANZANIA, AND MEMORIALIZING THE CITIZENS OF THE UNITED STATES, KENYA, AND TANZANIA WHOSE LIVES WERE CLAIMED AS A RESULT OF THE AL QAEDA LED TERRORIST ATTACKS

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 618

Whereas on August 7, 1998, the al Qaeda terrorist group, led by Osama bin Laden, organized nearly simultaneous vehicular bombing attacks on the United States embassies in Nairobi and Dar es Salaam;

Whereas approximately 4,000 people were injured in the Nairobi bombing, including 14 United States citizens, 13 Foreign Service Nationals, and 2 contractors;

Whereas 213 people were killed in the bombing in Nairobi, including victims who were employees of the United States Government, or were family members of employees of the United States Government, namely—

(1) the following United States citizens: Nathan Aliganga, Julian Bartley, Sr., Julian Bartley, Jr., Jean Dalizu, Molly Hardy, Kenneth Hobson, Prabhi Kavaler, Arlene Kirk, Dr. Mary Louise Martin, Michelle O'Connor, Sherry Olds, and Uttamlal (Tom) Shah;

(2) the following Foreign Service Nationals: Chrispin W. Bonyo, Lawrence A. Gitau, Hindu O. Idi, Tony Irungu, Geoffrey Kalio, G. Joel Kamau, Lucy N. Karigi, Francis M. Kibe, Joe Kiongo, Dominic Kithuva, Peter K. Macharia, Francis W. Maina, Cecelia Mamboleo, Lydia M. Mayaka, Francis Mbugua Ndungu, Kimeu N. Nganga, Francis Mbogo Njunge, Vincent Nyoike, Francis Olewe Ochilo, Maurice Okach, Edwin A.O. Omori, Lucy G. Onono, Evans K. Onsongo, Eric Onyango, Sellah Caroline Opati, Rachel M. Pussy, Farhat M. Sheikh, Phaedra Vrontamitis, Adams T. Wamai, Frederick M. Yafes; and

(3) the following contractors: Moses Namayi and Josiah Odero Owuor;

Whereas 85 people were injured in the Dar es Salaam bombing, including 2 United States citizens and 5 Foreign Service Nationals;

Whereas 1 Foreign Service National working at the Dar es Salaam embassy, Saidi Rogarth, is still listed by the Department of State as missing;

Whereas 11 people were killed in the Dar es Salaam bombing, including—

(1) Yusuf Ndange, a Foreign Service National ; and

(2) the following contractors: Abdulrahaman Abdalla, Paul E. Elisha, Abdalla Mnyola, Abbas William Mwilla, Bakari Nyumbu, Mtendeje Rajabu, Ramadhani Mahundi, and Dotto Ramadhani;

Whereas damage to both buildings was extensive, rendering the facilities unusable;

Whereas the outpouring of aid and assistance from the people and Governments of Kenya and Tanzania was widespread and greatly appreciated by the people of the United States;

Whereas security guards at both embassies acted bravely on the day of the bombings, protecting the lives and property of citizens of the United States, Kenya, and Tanzania;

Whereas the United States embassies in both Nairobi and Dar es Salaam have been rebuilt;

Whereas the United States Government is partnering with the people and Governments of Kenya and Tanzania to help both countries obtain a more democratic future;

Whereas 12 of the suspects indicted in the case have either been killed, captured, or are serving life sentences without parole; and

Whereas the United States Government continues to search for the remaining suspects, including Osama bin Laden: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the tenth anniversary of the al Qaeda bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania;

(2) mourns the loss of those who lost their lives in these tragic and senseless attacks, especially those who were employed by the embassies;

(3) remembers the families and colleagues of the victims whose lives have been forever changed by the loss endured on August 7, 1998;

(4) expresses its deepest gratitude to the people of Kenya and Tanzania for their gracious contributions and assistance following these attacks;

(5) reaffirms its support for the people of Kenya and Tanzania in striving for future opportunity, democracy, and prosperity; and

(6) reaffirms its resolve to defeat al Qaeda and other terrorist organizations.

SENATE RESOLUTION 619—EXPRESSING SUPPORT FOR A CONSTRUCTIVE DIALOGUE ON HUMAN RIGHTS ISSUES BETWEEN THE UNITED STATES AND BAHRAIN

Mr. SESSIONS (for himself and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 619

Whereas Bahrain is a friend of the United States and a critical partner in the war on terrorism, as demonstrated by Bahrain's designation as a major ally outside of the North Atlantic Treaty Organization, the completion of the United States-Bahrain Free Trade Agreement in 2006, and the continued presence of United States forces in Bahrain;

Whereas the strategic relationship between the United States and Bahrain should not prevent the United States from speaking honestly to the Government of Bahrain about concerns regarding human rights issues in a mutually respectful dialogue; and

Whereas numerous reports, including the Department of State's 2007 Country Report on Human Rights Practices in Bahrain, detail potential shortcomings by the Government of Bahrain in the areas of human rights and democracy, including—

(1) the use of torture and undue force against political activists;

(2) systematic discrimination by the Sunni government against the Shi'a majority, including forbidding Shi'a from joining the military and discriminating against Shi'a in public sector employment;

(3) the denial, in practice, of the right to a fair trial; and

(4) gerrymandering of political districts in order to support favored candidates: Now, therefore, be it

Resolved, That the Senate—

(1) supports a constructive dialogue on human rights issues as an integral part of the bilateral agenda between the United States and Bahrain;

(2) expresses support for efforts to promote human rights, democracy, and the rule of law in Bahrain; and

(3) calls upon the President and the Secretary of State to aid in those efforts.

SENATE CONCURRENT RESOLUTION 94—RECOGNIZING THE 60TH ANNIVERSARY OF THE INTEGRATION OF THE UNITED STATES ARMED FORCES

Mr. BROWN (for himself, Mr. LEVIN, Mr. KENNEDY, and Mr. OBAMA) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 94

Whereas service members representing a wide diversity of races and nationalities have fought in every war in the history of the United States;

Whereas, on July 26, 1948, President Harry Truman signed Executive Order 9981, ordering the racial integration of the Armed Forces;

Whereas President Truman declared that there should be equality of treatment and opportunity for all persons in the Armed Forces, without regard to race, color, religion, or national origin;

Whereas the United States could not maintain an all-volunteer force without the service of, and critical role played by, service members representing a wide diversity of races and nationalities;

Whereas service member diversity brings a unique perspective and experience to the Armed Forces;

Whereas the Armed Forces led the way in social integration prior to the signal achievement of the legal victory in the Supreme Court decision of Brown v. Board of Education, 347 U.S. 483 (1954), which rejected separate white and colored schools;

Whereas the Armed Forces led the way in social integration prior to the passage of the Civil Rights Act of 1964, which banned discrimination in employment practices and public accommodations, the Voting Rights

Act of 1965, which restored and protected voting rights, and the Civil Rights Act of 1968, which banned discrimination in the sale or rental of housing;

Whereas the integration of the Armed Forces enhanced the combat effectiveness of the military 60 years ago, and that still holds true to the current day;

Whereas the efforts of the Armed Forces to ensure equality of treatment and opportunity for their personnel significantly assisted in the advancement of that goal for all Americans; and

Whereas, in 2008, members representing a wide diversity of races and nationalities serve in senior leadership positions throughout the Armed Forces, as commissioned and warrant officers, as senior noncommissioned officers, and as civilian leaders: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the historic significance of the 60th anniversary of the integration of the Armed Forces of the United States;

(2) reaffirms the commitment of the Federal Government to ensuring diversity in the military; and

(3) commends African-Americans, Hispanics, Asian-Americans, Native Americans, and service members of all races and nationalities for their remarkable achievements, sacrifices, and contributions to our Armed Forces in all conflicts in United States history in the face of discrimination, hostility, and other obstacles.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public the hearing previously scheduled before the Senate Committee on Energy and Natural Resources on Thursday, July 24, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building has been canceled.

The purpose of the hearing was to discuss current policy related to the Strategic Petroleum Reserve.

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 22, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 22, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''An Update on the Science of Global Warming and its Implications.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 22, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 22, 2008, at 9:30 a.m.to conduct a hearing entitled ''Energy Security: An American Imperative.''

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 22, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, July 22, 2008, at 2:00 p.m. to conduct a hearing entitled, ''Improving Performance: A Review of Pay-for-Performance Systems in the Federal Government.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Winoka Begay, Max von Bargen, Zach Manning, Erin Griffin, Matt Padilla, Meaghan Stern, Byron Hurlbut, and Jessica Jaramillo, who are interns in my office and in the Energy and Natural Resources Committee, be permitted the privileges of the floor today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Andrew Kinard, a fellow in Senator GRAHAM's office, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that John Veysey, a congressional fellow in my office, be granted privileges of the floor for the duration of debate on S. 3268.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE 60TH ANNIVERSARY OF INTEGRATION OF THE U.S. ARMED FORCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 94 submitted earlier today by Senator BROWN.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 94) recognizing the 60th anniversary of the integration of the U.S. Armed Forces.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD at the appropriate place, as if read.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 94) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 94

Whereas service members representing a wide diversity of races and nationalities have fought in every war in the history of the United States;

Whereas, on July 26, 1948, President Harry Truman signed Executive Order 9981, ordering the racial integration of the Armed Forces;

Whereas President Truman declared that there should be equality of treatment and opportunity for all persons in the Armed Forces, without regard to race, color, religion, or national origin;

Whereas the United States could not maintain an all-volunteer force without the service of, and critical role played by, service members representing a wide diversity of races and nationalities;

Whereas service member diversity brings a unique perspective and experience to the Armed Forces;

Whereas the Armed Forces led the way in social integration prior to the signal achievement of the legal victory in the Supreme Court decision of Brown v. Board of Education, 347 U.S. 483 (1954), which rejected separate white and colored schools;

Whereas the Armed Forces led the way in social integration prior to the passage of the Civil Rights Act of 1964, which banned discrimination in employment practices and public accommodations, the Voting Rights Act of 1965, which restored and protected voting rights, and the Civil Rights Act of 1968, which banned discrimination in the sale or rental of housing;

Whereas the integration of the Armed Forces enhanced the combat effectiveness of the military 60 years ago, and that still holds true to the current day;

Whereas the efforts of the Armed Forces to ensure equality of treatment and opportunity for their personnel significantly assisted in the advancement of that goal for all Americans; and

Whereas, in 2008, members representing a wide diversity of races and nationalities serve in senior leadership positions throughout the Armed Forces, as commissioned and warrant officers, as senior noncommissioned officers, and as civilian leaders: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the historic significance of the 60th anniversary of the integration of the Armed Forces of the United States;

(2) reaffirms the commitment of the Federal Government to ensuring diversity in the military; and

(3) commends African-Americans, Hispanics, Asian-Americans, Native Americans, and service members of all races and nationalities for their remarkable achievements, sacrifices, and contributions to our Armed Forces in all conflicts in United States history in the face of discrimination, hostility, and other obstacles.

STAR PRINT—S. 3268

Mr. BROWN. Mr. President, I ask unanimous consent that S. 3268, the Stop Excessive Energy Speculation Act of 2008, be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADEMARK ACT OF 1946 ACT AMENDMENTS

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3295, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3295) to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is considering legislation today that will leave no doubt about the constitutional propriety of the appointment of administrative patent judges and administrative trademark judges within the Patent and Trademark Office. I thank my cosponsor, Senator SPECTER, for his work with me on this. These judges are currently appointed to their positions by the Director of the PTO. Our bill will change this process, so that the Secretary of Commerce, in consultation with the Director of the PTO, will appoint these judges, thus bringing the process more clearly in line with the appointments clause of the Constitution. This legislation will also allow the Secretary of Commerce to ratify the appointment of the current judges. A companion bill was introduced in the House.

It is important to ensure that the decisions made by these judges are allowed to stand on their merits, and that they are not nullified by a potential constitutional challenge to the appointment process somewhere down the line. By making this small change to the existing law, Congress can leave no doubt that the appointment of these judges complies fully with the process set out by the Constitution.

I am pleased that the Senate will adopt this measure today, and I hope that the House of Representatives will quickly take it up and pass it so that it can be sent to the President for his signature without delay.

Mr. BROWN. Mr. President I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3295) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPOINTMENT OF ADMINISTRATIVE PATENT JUDGES AND ADMINISTRATIVE TRADEMARK JUDGES.

(a) ADMINISTRATIVE PATENT JUDGES.—Section 6 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''Deputy Commissioner'' and inserting ''Deputy Director''; and

(B) in the last sentence, by striking ''Director'' and inserting ''Secretary of Commerce, in consultation with the Director''; and

(C) by adding at the end the following:

''(c) AUTHORITY OF THE SECRETARY.—The Secretary of Commerce may, in his or her discretion, deem the appointment of an administrative patent judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative patent judge.

''(d) DEFENSE TO CHALLENGE OF APPOINTMENT.—It shall be a defense to a challenge to the appointment of an administrative patent judge on the basis of the judge's having been originally appointed by the Director that the administrative patent judge so appointed was acting as a de facto officer.''.

(b) ADMINISTRATIVE TRADEMARK JUDGES.—Section 17 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1067), is amended—

(1) in subsection (b)—

(A) by inserting ''Deputy Director of the United States Patent and Trademark Office'', after ''Director,''; and

(B) by striking ''appointed by the Director'' and inserting ''appointed by the Secretary of Commerce, in consultation with the Director''; and

(2) by adding at the end the following:

''(c) AUTHORITY OF THE SECRETARY.—The Secretary of Commerce may, in his or her discretion, deem the appointment of an administrative trademark judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative trademark judge.

''(d) DEFENSE TO CHALLENGE OF APPOINTMENT.—It shall be a defense to a challenge to the appointment of an administrative trademark judge on the basis of the judge's having been originally appointed by the Director that the administrative trademark judge so appointed was acting as a de facto officer.''.

TOM LANTOS BLOCK BURMESE JADE (JUNTA'S ANTI-DEMOCRATIC EFFORTS) ACT OF 2008

Mr. BROWN. Mr. President, I ask the Chair to now lay before the Senate a House message to accompany H.R. 3890.

The PRESIDING OFFICER laid before the Senate the following message:

H.R. 3890

Resolved, That the House agree to the amendment of the Senate to the text of the bill (H.R. 3890) entitled ''An Act to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes'', with the following House amendments to Senate amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Beginning on August 19, 2007, hundreds of thousands of citizens of Burma, including thousands of Buddhist monks and students, participated in peaceful demonstrations against rapidly deteriorating living conditions and the violent and repressive policies of the State Peace and Development Council (SPDC), the ruling military regime in Burma—

(A) to demand the release of all political prisoners, including 1991 Nobel Peace Prize winner Aung San Suu Kyi; and

(B) to urge the regime to engage in meaningful dialogue to pursue national reconciliation.

(2) The Burmese regime responded to these peaceful protests with a violent crackdown leading to the reported killing of approximately 200 people, including a Japanese photojournalist, and hundreds of injuries. Human rights groups further estimate that over 2,000 individuals have been detained, arrested, imprisoned, beaten, tortured, or otherwise intimidated as part of this crackdown. Burmese military, police, and their affiliates in the Union Solidarity Development Association (USDA) perpetrated almost all of these abuses. The Burmese regime continues to detain, torture, and otherwise intimidate those individuals whom it believes participated in or led the protests and it has closed down or otherwise limited access to several monasteries and temples that played key roles in the peaceful protests.

(3) The Department of State's 2006 Country Reports on Human Rights Practices found that the SPDC—

(A) routinely restricts freedoms of speech, press, assembly, association, religion, and movement;

(B) traffics in persons;

(C) discriminates against women and ethnic minorities;

(D) forcibly recruits child soldiers and child labor; and

(E) commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives.

(4) Aung San Suu Kyi has been arbitrarily imprisoned or held under house arrest for more than 12 years.

(5) In October 2007, President Bush announced a new Executive Order to tighten economic sanctions against Burma and block property and travel to the United States by certain senior leaders of the SPDC, individuals who provide financial backing for the SPDC, and individuals responsible for human rights violations and impeding democracy in Burma. Additional names were added in updates done on October 19, 2007, and February 5, 2008. However, only 38 discrete individuals and 13 discrete companies have been designated under those sanctions, once aliases and companies with similar names were removed. By contrast, the Australian Government identified more than 400 individuals and entities subject to its sanctions applied in the wake of the 2007 violence. The European Union's regulations to implement sanctions against Burma have identified more than 400 individuals among the leadership of government, the military, and the USDA, along with nearly 1300 state and military-run companies potentially subject to its sanctions.

(6) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities in part through financial transactions, travel, and trade involving the United States, including the sale of petroleum products, gemstones and hardwoods.

(7) In 2006, the Burmese regime earned more than $500 million from oil and gas projects, over $500 million from sale of hardwoods, and in excess of $300 million from the sale of rubies and jade. At least $500 million of the $2.16 billion earned in 2006 from Burma's two natural gas pipelines, one of which is 28 percent owned by a United States company, went to the Burmese regime. The regime has earned smaller amounts from oil and gas exploration and non-operational pipelines but United States investors are not involved in those transactions. Industry sources estimate that over $100 million annually in Burmese rubies and jade enters the United States. Burma's official statistics report that Burma exported $500 million in hardwoods in 2006 but NGOs estimate the true figure to exceed $900 million. Reliable statistics on the amount of hardwoods imported into the United States from Burma in the form of finished products are not available, in part due to widespread illegal logging and smuggling.

(8) The SPDC seeks to evade the sanctions imposed in the Burmese Freedom and Democracy Act of 2003. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States, but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade sanctions. For example, according to gem industry experts, over 90 percent of the world's ruby supply originates in Burma but only 3 percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is predominantly based on their original quality and geological origin, rather than the labor involved in cutting and polishing the gemstones.

(9) According to hardwood industry experts, Burma is home to approximately 60 percent of the world's native teak reserves. More than ¼ of the world's internationally traded teak originates from Burma, and hardwood sales, mainly of teak, represent more than 11 percent of Burma's official foreign exchange earnings.

(10) The SPDC owns a majority stake in virtually all enterprises responsible for the extraction and trade of Burmese natural resources, including all mining operations, the Myanmar Timber Enterprise, the Myanmar Gems Enterprise, the Myanmar Pearl Enterprise, and the Myanmar Oil and Gas Enterprise. Virtually all profits from these enterprises enrich the SPDC.

(11) On October 11, 2007, the United Nations Security Council, with the consent of the People's Republic of China, issued a statement condemning the violence in Burma, urging the release of all political prisoners, and calling on the SPDC to enter into a United Nations-mediated dialogue with its political opposition.

(12) The United Nations special envoy Ibrahim Gambari traveled to Burma from September 29, 2007, through October 2, 2007, holding meetings with SPDC leader General Than Shwe and democracy advocate Aung San Suu Kyi in an effort to promote dialogue between the SPDC and democracy advocates.

(13) The leaders of the SPDC will have a greater incentive to cooperate with diplomatic efforts by the United Nations, the Association of Southeast Asian Nations, and the People's Republic of China if they come under targeted economic pressure that denies them access to personal wealth and sources of revenue.

(14) On the night of May 2, 2008, through the morning of May 3, 2008, tropical cyclone Nargis struck the coast of Burma, resulting in the deaths of tens of thousands of Burmese.

(15) The response to the cyclone by Burma's military leaders illustrates their fundamental lack of concern for the welfare of the Burmese people. The regime did little to warn citizens of the cyclone, did not provide adequate humanitarian assistance to address basic needs and prevent loss of life, and continues to fail to provide life-protecting and life-sustaining services to its people.

(16) The international community responded immediately to the cyclone and attempted to provide humanitarian assistance. More than 30 disaster assessment teams from 18 different nations and the United Nations arrived in the region, but the Burmese regime denied them permission to enter the country. Eventually visas were granted to aid workers, but the regime continues to severely limit their ability to provide assistance in the affected areas.

(17) Despite the devastation caused by Cyclone Nargis, the junta went ahead with its referendum on a constitution drafted by an illegitimate assembly, conducting voting in unaffected areas on May 10, 2008, and in portions of the affected Irrawaddy region and Rangoon on May 26, 2008.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given the terms in section 5318A(e)(1) of title 31, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Finance of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Ways and Means of the House of Representatives.

(3) ASEAN.—The term ''ASEAN'' means the Association of Southeast Asian Nations.

(4) PERSON.—The term ''person'' means—

(A) an individual, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group; and

(B) any successor, subunit, or subsidiary of any person described in subparagraph (A).

(5) SPDC.—The term ''SPDC'' means the State Peace and Development Council, the ruling military regime in Burma.

(6) UNITED STATES PERSON.—The term ''United States person'' means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) condemn the continued repression carried out by the SPDC;

(2) work with the international community, especially the People's Republic of China, India, Thailand, and ASEAN, to foster support for the legitimate democratic aspirations of the people of Burma and to coordinate efforts to impose sanctions on those directly responsible for human rights abuses in Burma;

(3) provide all appropriate support and assistance to aid a peaceful transition to constitutional democracy in Burma;

(4) support international efforts to alleviate the suffering of Burmese refugees and address the urgent humanitarian needs of the Burmese people; and

(5) identify individuals responsible for the repression of peaceful political activity in Burma and hold them accountable for their actions.

SEC. 5. SANCTIONS.

(a) VISA BAN.—

(1) IN GENERAL.—The following persons shall be ineligible for a visa to travel to the United States:

(A) Former and present leaders of the SPDC, the Burmese military, or the USDA.

(B) Officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity or in other gross violations of human rights in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC.

(C) Any other Burmese persons who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA.

(D) The immediate family members of any person described in subparagraphs (A) through (C).

(2) WAIVER.—The President may waive the visa ban described in paragraph (1) only if the President determines and certifies in writing to Congress that travel by the person seeking such a waiver is in the national interests of the United States.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to conflict with the provisions of section 694 of the Consolidated Appropriations Act, 2008 (Public Law 110–161), nor shall this subsection be construed to make ineligible for a visa members of ethnic groups in Burma now or previously opposed to the regime who were forced to provide labor or other support to the Burmese military and who are otherwise eligible for admission into the United States.

(b) FINANCIAL SANCTIONS.—

(1) BLOCKED PROPERTY.—No property or interest in property belonging to a person described in subsection (a)(1) may be transferred, paid, exported, withdrawn, or otherwise dealt with if—

(A) the property is located in the United States or within the possession or control of a United States person, including the overseas branch of a United States person; or

(B) the property comes into the possession or control of a United States person after the date of the enactment of this Act.

(2) FINANCIAL TRANSACTIONS.—Except with respect to transactions authorized under Executive Orders 13047 (May 20, 1997) and 13310 (July 28, 2003), no United States person may engage in a financial transaction with the SPDC or with a person described in subsection (a)(1).

(3) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and financial transactions under this subsection shall include the following:

(A) Payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, including any United States financial institution and any branch or office of such financial institution that is located outside the

United States, to the SPDC or to an individual described in subsection (a)(1).

(B) The export or reexport directly or indirectly, of any goods, technology, or services by a United States person to the SPDC, to an individual described in subsection (a)(1) or to any entity owned, controlled, or operated by the SPDC or by an individual described in such subsection.

(c) AUTHORITY FOR ADDITIONAL BANKING SANCTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution (as that term is defined in section 5312 of title 31, United States Code) or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution, if the Secretary determines that the account might be used—

(A) by a foreign banking institution that holds property or an interest in property belonging to the SPDC or a person described in subsection (a)(1); or

(B) to conduct a transaction on behalf of the SPDC or a person described in subsection (a)(1).

(2) AUTHORITY TO DEFINE TERMS.—The Secretary of the Treasury may, by regulation, further define the terms used in paragraph (1) for purposes of this section, as the Secretary considers appropriate.

(d) LIST OF SANCTIONED OFFICIALS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a list of—

(A) former and present leaders of the SPDC, the Burmese military, and the USDA;

(B) officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC;

(C) any other Burmese persons or entities who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA; and

(D) the immediate family members of any person described in subparagraphs (A) through (C) whom the President determines effectively controls property in the United States or has benefitted from a financial transaction with any United States person.

(2) CONSIDERATION OF OTHER DATA.—In preparing the list required under paragraph (1), the President shall consider the data already obtained by other countries and entities that apply sanctions against Burma, such as the Australian Government and the European Union.

(3) UPDATES.—The President shall transmit to the appropriate congressional committees updated lists of the persons described in paragraph (1) as new information becomes available.

(4) IDENTIFICATION OF INFORMATION.—The Secretary of State and the Secretary of the Treasury shall devote sufficient resources to the identification of information concerning potential persons to be sanctioned to carry out the purposes described in this Act.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit any contract or other financial transaction with any nongovernmental humanitarian organization in Burma.

(f) EXCEPTIONS.—

(1) IN GENERAL.—The prohibitions and restrictions described in subsections (b) and (c) shall not apply to medicine, medical equipment or supplies, food or feed, or any other form of humanitarian assistance provided to Burma.

(2) REGULATORY EXCEPTIONS.—For the following purposes, the Secretary of State may, by regulation, authorize exceptions to the prohibition and restrictions described in subsection (a), and the Secretary of the Treasury may, by regulation, authorize exceptions to the prohibitions and restrictions described in subsections (b) and (c)—

(A) to permit the United States and Burma to operate their diplomatic missions, and to permit the United States to conduct other official United States Government business in Burma;

(B) to permit United States citizens to visit Burma; and

(C) to permit the United States to comply with the United Nations Headquarters Agreement and other applicable international agreements.

(g) PENALTIES.—Any person who violates any prohibition or restriction imposed pursuant to subsection (b) or (c) shall be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

(h) TERMINATION OF SANCTIONS.—The sanctions imposed under subsection (a), (b), or (c) shall apply until the President determines and certifies to the appropriate congressional committees that the SPDC has—

(1) unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy;

(2) entered into a substantive dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transitioning to democratic government under the rule of law; and

(3) allowed humanitarian access to populations affected by armed conflict in all regions of Burma.

(i) WAIVER.—The President may waive the sanctions described in subsections (b) and (c) if the President determines and certifies to the appropriate congressional committees that such waiver is in the national interest of the United States.

SEC. 6. AMENDMENTS TO THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—The Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by inserting after section 3 the following new section:

"SEC. 3A. PROHIBITION ON IMPORTATION OF JADEITE AND RUBIES FROM BURMA AND ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES FROM BURMA.

''(a) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

''(B) the Committee on Finance and the Committee on Foreign Relations of the Senate.

''(2) BURMESE COVERED ARTICLE.—The term 'Burmese covered article' means—

''(A) jadeite mined or extracted from Burma;

''(B) rubies mined or extracted from Burma; or

''(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

''(3) NON-BURMESE COVERED ARTICLE.—The term 'non-Burmese covered article' means—

''(A) jadeite mined or extracted from a country other than Burma;

''(B) rubies mined or extracted from a country other than Burma; or

''(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

''(4) JADEITE; RUBIES; ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—

''(A) JADEITE.—The term 'jadeite' means any jadeite classifiable under heading 7103 of the Harmonized Tariff Schedule of the United States (in this paragraph referred to as the 'HTS').

''(B) RUBIES.—The term 'rubies' means any rubies classifiable under heading 7103 of the HTS.

''(C) ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—The term 'articles of jewelry containing jadeite or rubies' means—

''(i) any article of jewelry classifiable under heading 7113 of the HTS that contains jadeite or rubies; or

''(ii) any article of jadeite or rubies classifiable under heading 7116 of the HTS.

''(5) UNITED STATES.—The term 'United States', when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) PROHIBITION ON IMPORTATION OF BURMESE COVERED ARTICLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall prohibit the importation into the United States of any Burmese covered article.

''(2) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to implement the prohibition under paragraph (1).

''(3) OTHER ACTIONS.—Beginning on the date of the enactment of this Act, the President shall take all appropriate actions to seek the following:

''(A) The issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization granting a waiver of the applicable obligations of the United States under the World Trade Organization with respect to the provisions of this section and any measures taken to implement this section.

''(B) The adoption of a resolution by the United Nations General Assembly expressing the need to address trade in Burmese covered articles and calling for the creation and implementation of a workable certification scheme for non-Burmese covered articles to prevent the trade in Burmese covered articles.

''(c) REQUIREMENTS FOR IMPORTATION OF NON-BURMESE COVERED ARTICLES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall require as a condition for the importation into the United States of any non-Burmese covered article that—

''(A) the exporter of the non-Burmese covered article has implemented measures that have substantially the same effect and achieve the same goals as the measures described in clauses (i) through (iv) of paragraph (2)(B) (or their functional equivalent) to prevent the trade in Burmese covered articles; and

''(B) the importer of the non-Burmese covered article agrees—

''(i) to maintain a full record of, in the form of reports or otherwise, complete information relating to any act or transaction related to the purchase, manufacture, or shipment of the non-Burmese covered article for a period of not less than 5 years from the date of entry of the non-Burmese covered article; and

''(ii) to provide the information described in clause (i) within the custody or control of such person to the relevant United States authorities upon request.

''(2) EXCEPTION.—

''(A) IN GENERAL.—The President may waive the requirements of paragraph (1) with respect

to the importation of non-Burmese covered articles from any country with respect to which the President determines and certifies to the appropriate congressional committees has implemented the measures described in subparagraph (B) (or their functional equivalent) to prevent the trade in Burmese covered articles.

''(B) MEASURES DESCRIBED.—The measures referred to in subparagraph (A) are the following:

''(i) With respect to exportation from the country of jadeite or rubies in rough form, a system of verifiable controls on the jadeite or rubies from mine to exportation demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted, total carat weight, and value of the jadeite or rubies.

''(ii) With respect to exportation from the country of finished jadeite or polished rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

''(iii) With respect to exportation from the country of articles of jewelry containing jadeite or rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the article of jewelry containing jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

''(iv) Verifiable recordkeeping by all entities and individuals engaged in mining, importation, and exportation of non-Burmese covered articles in the country, and subject to inspection and verification by authorized authorities of the government of the country in accordance with applicable law.

''(v) Implementation by the government of the country of proportionate and dissuasive penalties against any persons who violate laws and regulations designed to prevent trade in Burmese covered articles.

''(vi) Full cooperation by the country with the United Nations or other official international organizations that seek to prevent trade in Burmese covered articles.

''(3) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders and conduct such investigations, as may be necessary to implement the provisions under paragraphs (1) and (2).

''(d) INAPPLICABILITY.—

''(1) IN GENERAL.—The requirements of subsection (b)(1) and subsection (c)(1) shall not apply to Burmese covered articles and non-Burmese covered articles, respectively, that were previously exported from the United States, including those that accompanied an individual outside the United States for personal use, if they are reimported into the United States by the same person, without having been advanced in value or improved in condition by any process or other means while outside the United States.

''(2) ADDITIONAL PROVISION.—The requirements of subsection (c)(1) shall not apply with respect to the importation of non-Burmese covered articles that are imported by or on behalf of an individual for personal use and accompanying an individual upon entry into the United States.

''(e) ENFORCEMENT.—Burmese covered articles or non-Burmese covered articles that are imported into the United States in violation of any prohibition of this Act or any other provision law shall be subject to all applicable seizure and forfeiture laws and criminal and civil laws of the United States to the same extent as any other violation of the customs laws of the United States.

''(f) SENSE OF CONGRESS.—

''(1) IN GENERAL.—It is the sense of Congress that the President should take the necessary steps to seek to negotiate an international arrangement—similar to the Kimberley Process Certification Scheme for conflict diamonds—to prevent the trade in Burmese covered articles. Such an international arrangement should create an effective global system of controls and should contain the measures described in subsection (c)(2)(B) (or their functional equivalent).

''(2) KIMBERLEY PROCESS CERTIFICATION SCHEME DEFINED.—In paragraph (1), the term 'Kimberley Process Certification Scheme' has the meaning given the term in section 3(6) of the Clean Diamond Trade Act (Public Law 108–19; 19 U.S.C. 3902(6)).

''(g) REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall transmit to the appropriate congressional committees a report describing what actions the United States has taken during the 60-day period beginning on the date of the enactment of such Act to seek—

''(A) the issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization, as specified in subsection (b)(3)(A);

''(B) the adoption of a resolution by the United Nations General Assembly, as specified in subsection (b)(3)(B); and

''(C) the negotiation of an international arrangement, as specified in subsection (f)(1).

''(2) UPDATE.—The President shall make continued efforts to seek the items specified in subparagraphs (A), (B), and (C) of paragraph (1) and shall promptly update the appropriate congressional committees on subsequent developments with respect to these efforts.

''(h) GAO REPORT.—Not later than 14 months after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the effectiveness of the implementation of this section. The Comptroller General shall include in the report any recommendations for improving the administration of this Act.''.

(b) DURATION OF SANCTIONS.—

(1) CONTINUATION OF IMPORT SANCTIONS.—Subsection (b) of section 9 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

''(4) RULE OF CONSTRUCTION.—For purposes of this subsection, any reference to section 3(a)(1) shall be deemed to include a reference to section 3A (b)(1) and (c)(1).''.

(2) RENEWAL RESOLUTIONS.—Subsection (c) of such section is amended by inserting after ''section 3(a)(1)'' each place it appears the following: ''and section 3A (b)(1) and (c)(1)''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection take effect on the day after the date of the enactment of 5th renewal resolution enacted into law after the date of the enactment of the Burmese Freedom and Democracy Act of 2003, or the date of the enactment of this Act, whichever occurs later.

(B) RENEWAL RESOLUTION DEFINED.—In this paragraph, the term ''renewal resolution'' means a renewal resolution described in section 9(c) of the Burmese Freedom and Democracy Act of 2003 that is enacted into law in accordance with such section.

(c) CONFORMING AMENDMENT.—Section 3(b) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended—

(1) by striking ''prohibitions'' and inserting ''restrictions'';

(2) by inserting ''or section 3A (b)(1) or (c)(1)'' after ''this section''; and

(3) by striking ''a product of Burma'' and inserting ''subject to such restrictions''.

SEC. 7. SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

(a) UNITED STATES SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.—The President shall appoint a Special Representative and Policy Coordinator for Burma, by and with the advice and consent of the Senate.

(b) RANK.—The Special Representative and Policy Coordinator for Burma appointed under subsection (a) shall have the rank of ambassador and shall hold the office at the pleasure of the President. Except for the position of United States Ambassador to the Association of Southeast Asian Nations, the Special Representative and Policy Coordinator may not simultaneously hold a separate position within the executive branch, including the Assistant Secretary of State, the Deputy Assistant Secretary of State, the United States Ambassador to Burma, or the Charge d'affairs to Burma.

(c) DUTIES AND RESPONSIBILITIES.—The Special Representative and Policy Coordinator for Burma shall—

(1) promote a comprehensive international effort, including multilateral sanctions, direct dialogue with the SPDC and democracy advocates, and support for nongovernmental organizations operating in Burma and neighboring countries, designed to restore civilian democratic rule to Burma and address the urgent humanitarian needs of the Burmese people;

(2) consult broadly, including with the Governments of the People's Republic of China, India, Thailand, and Japan, and the member states of ASEAN and the European Union to coordinate policies toward Burma;

(3) assist efforts by the United Nations Special Envoy to secure the release of all political prisoners in Burma and to promote dialogue between the SPDC and leaders of Burma's democracy movement, including Aung San Suu Kyi;

(4) consult with Congress on policies relevant to Burma and the future and welfare of all the Burmese people, including refugees; and

(5) coordinate the imposition of Burma sanctions within the United States Government and with the relevant international financial institutions.

SEC. 8. SUPPORT FOR CONSTITUTIONAL DEMOCRACY IN BURMA.

(a) IN GENERAL.—The President is authorized to assist Burmese democracy activists who are dedicated to nonviolent opposition to the SPDC in their efforts to promote freedom, democracy, and human rights in Burma.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to the Secretary of State for fiscal year 2008 to—

(1) provide aid to democracy activists in Burma;

(2) provide aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma; and

(3) expand radio and television broadcasting into Burma.

SEC. 9. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS ADDRESSING THE HUMANITARIAN NEEDS OF THE BURMESE PEOPLE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the international community should increase support for nongovernmental organizations attempting to meet the urgent humanitarian needs of the Burmese people.

(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Section 5 of the Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701 note) is amended—

(1) by inserting ''(a) OPPOSITION TO ASSISTANCE TO BURMA.—'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to issue multi-year licenses for humanitarian or religious activities in Burma.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated $11,000,000 to the Secretary of State for fiscal year 2008 to support operations by nongovernmental organizations, subject to paragraph (2), designed to address the humanitarian needs of the Burmese people inside Burma and in refugee camps in neighboring countries.

(2) LIMITATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), amounts appropriated pursuant to paragraph (1) may not be provided to—

(i) SPDC-controlled entities;

(ii) entities run by members of the SPDC or their families; or

(iii) entities providing cash or resources to the SPDC, including organizations affiliated with the United Nations.

(B) WAIVER.—The President may waive the funding restriction described in subparagraph (A) if—

(i) the President determines and certifies to the appropriate congressional committees that such waiver is in the national interests of the United States;

(ii) a description of the national interests need for the waiver is submitted to the appropriate congressional committees; and

(iii) the description submitted under clause (ii) is posted on a publicly accessible Internet Web site of the Department of State.

SEC. 10. REPORT ON MILITARY AND INTELLIGENCE AID TO BURMA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a list of countries, companies, and other entities that provide military or intelligence aid to the SPDC and describing such military or intelligence aid provided by each such country, company, and other entity.

(b) MILITARY OR INTELLIGENCE AID DEFINED.—For the purpose of this section, the term ''military or intelligence aid'' means, with respect to the SPDC—

(1) the provision of weapons, weapons parts, military vehicles, or military aircraft;

(2) the provision of military or intelligence training, including advice and assistance on subject matter expert exchanges;

(3) the provision of weapons of mass destruction and related materials, capabilities, and technology, including nuclear, chemical, or dual-use capabilities;

(4) conducting joint military exercises;

(5) the provision of naval support, including ship development and naval construction;

(6) the provision of technical support, including computer and software development and installations, networks, and infrastructure development and construction; or

(7) the construction or expansion of airfields, including radar and anti-aircraft systems.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex and the unclassified form shall be placed on the Department of State's website.

SEC. 11. SENSE OF CONGRESS ON INTERNATIONAL ARMS SALES TO BURMA.

It is the sense of Congress that the United States should lead efforts in the United Nations Security Council to impose a mandatory international arms embargo on Burma, curtailing all sales of weapons, ammunition, military vehicles, and military aircraft to Burma until the SPDC releases all political prisoners, restores constitutional rule, takes steps toward inclusion of ethnic minorities in political reconciliation efforts, and holds free and fair elections to establish a new government.

SEC. 12. REDUCTION OF SPDC REVENUE FROM TIMBER.

(a) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State, in consultation with the Secretary of Commerce, and other Federal officials, as appropriate, shall submit to the appropriate congressional committees a report on Burma's timber trade containing information on the following:

(1) Products entering the United States made in whole or in part of wood grown and harvested in Burma, including measurements of annual value and volume and considering both legal and illegal timber trade.

(2) Statistics about Burma's timber trade, including raw wood and wood products, in aggregate and broken down by country and timber species, including measurements of value and volume and considering both legal and illegal timber trade.

(3) A description of the chains of custody of products described in paragraph (1), including direct trade streams from Burma to the United States and via manufacturing or transshipment in third countries.

(4) Illegalities, abuses, or corruption in the Burmese timber sector.

(5) A description of all common consumer and commercial applications unique to Burmese hardwoods, including the furniture and marine manufacturing industries.

(b) RECOMMENDATIONS.—The report required under subsection (a) shall include recommendations on the following:

(1) Alternatives to Burmese hardwoods for the commercial applications described in paragraph (5) of subsection (a), including alternative species of timber that could provide the same applications.

(2) Strategies for encouraging sustainable management of timber in locations with potential climate, soil, and other conditions to compete with Burmese hardwoods for the consumer and commercial applications described in paragraph (5) of subsection (a).

(3) The appropriate United States and international customs documents and declarations that would need to be kept and compiled in order to establish the chain of custody concerning products described in paragraphs (1) and (3) of subsection (a).

(4) Strategies for strengthening the capacity of Burmese civil society, including Burmese society in exile, to monitor and report on the SPDC's trade in timber and other extractive industries so that Burmese natural resources can be used to benefit the majority of Burma's population.

SEC. 13. REPORT ON FINANCIAL ASSETS HELD BY MEMBERS OF THE SPDC.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the Committee on Foreign Affairs of the House of Representatives, the Committee on Ways and Means of the House of the Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Finance of the Senate a report containing a list of all countries and foreign banking institutions that hold assets on behalf of senior Burmese officials.

(b) DEFINITIONS.—For the purpose of this section:

(1) SENIOR BURMESE OFFICIALS.—The term ''senior Burmese officials'' shall mean individuals covered under section 5(d)(1) of this Act.

(2) OTHER TERMS.—Other terms shall be defined under the authority of and consistent with section 5(c)(2) of this Act.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex. The report shall also be posted on the Department of Treasury's website not later than 30 days of the submission to Congress of the report. To the extent possible, the report shall include the names of the senior Burmese officials and the approximate value of their holdings in the respective foreign banking institutions and any other pertinent information.

SEC. 14. UNOCAL PLAINTIFFS.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the United States should work with the Royal Thai Government to ensure the safety in Thailand of the 15 plaintiffs in the Doe v. Unocal case, and should consider granting refugee status or humanitarian parole to these plaintiffs to enter the United States consistent with existing United States law.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate Congressional committees a report on the status of the Doe vs. Unocal plaintiffs and whether the plaintiffs have been granted refugee status or humanitarian parole.

SEC. 15. SENSE OF CONGRESS WITH RESPECT TO INVESTMENTS IN BURMA'S OIL AND GAS INDUSTRY.

(a) FINDINGS AND DECLARATIONS.—Congress finds the following:

(1) Currently United States, French, and Thai investors are engaged in the production and delivery of natural gas in the pipeline from the Yadana and Sein fields (Yadana pipeline) in the Andaman Sea, an enterprise which falls under the jurisdiction of the Burmese Government, and United States investment by Chevron represents approximately a 28 percent nonoperated, working interest in that pipeline.

(2) The Congressional Research Service estimates that the Yadana pipeline provides at least $500,000,000 in annual revenue for the Burmese Government.

(3) The natural gas that transits the Yadana pipeline is delivered primarily to Thailand, representing about 20 percent of Thailand's total gas supply.

(4) The executive branch has in the past exempted investment in the Yadana pipeline from the sanctions regime against the Burmese Government.

(5) Congress believes that United States companies ought to be held to a high standard of conduct overseas and should avoid as much as possible acting in a manner that supports repressive regimes such as the Burmese Government.

(6) Congress recognizes the important symbolic value that divestment of United States holdings in Burma would have on the international sanctions effort, demonstrating that the United States will continue to lead by example.

(b) STATEMENT OF POLICY.—

(1) Congress urges Yadana investors to consider voluntary divestment over time if the Burmese Government fails to take meaningful steps to release political prisoners, restore civilian constitutional rule and promote national reconciliation.

(2) Congress will remain concerned with the matter of continued investment in the Yadana pipeline in the years ahead.

(3) Congress urges the executive branch to work with all firms invested in Burma's oil and gas sector to use their influence to promote the peaceful transition to civilian democratic rule in Burma.

(c) SENSE OF CONGRESS.—It is the sense of Congress that so long as Yadana investors remain invested in Burma, such investors should—

(1) communicate to the Burmese Government, military and business officials, at the highest levels, concern about the lack of genuine consultation between the Burmese Government and its people, the failure of the Burmese Government to use its natural resources to benefit the

Burmese people, and the military's use of forced labor;

(2) publicly disclose and deal with in a transparent manner, consistent with legal obligations, its role in any ongoing investment in Burma, including its financial involvement in any joint production agreement or other joint ventures and the amount of their direct or indirect support of the Burmese Government; and

(3) work with project partners to ensure that forced labor is not used to construct, maintain, support, or defend the project facilities, including pipelines, offices, or other facilities.

Resolved further, That the House agree to the amendment of the Senate to the title of the aforesaid bill with the following:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, amend the title so as to read: ''An Act to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to exempt humanitarian assistance from United States sanctions on Burma, to prohibit the importation of gemstones from Burma, or that originate in Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.''.

Mr. MCCONNELL. Mr. President, I rise today to note Senate passage of H.R. 3890, the Tom Lantos Block Burmese JADE, Junta's Anti-Democratic Efforts, Act. This is bipartisan legislation that is now on its way to the President for his signature. In this effort, I was pleased to work closely again with my friend and colleague, Senator BIDEN of Delaware.

This bill—appropriately named in honor of Tom Lantos, a great champion of Burmese freedom and reconciliation—will further ratchet up the already strict sanctions against the State Peace and Development Council, SPDC, the grotesquely misnamed ruling junta. In doing so, it will restrict the importation of jade into the U.S. through other countries, one of the most lucrative sources of profit for the junta. It also enhances existing financial sanctions against the regime and includes new reporting requirements which will provide greater transparency about the junta. These reports include data about the SPDC's financial holdings; information about countries that provide military assistance to the regime; and background on the Burmese timber trade.

I would note that, like the annual Burmese Freedom and Democracy Act, this legislation does not interrupt the flow of humanitarian assistance to the people of Burma, who continue to struggle in the wake of Cyclone Nargis. By focusing the sanctions on the SPDC, this bill sends a clear message to the junta that the United States stands squarely with the freedom-loving people of Burma.

As my colleagues can tell you, passing legislation sometimes means you don't get everything you want. I have been on record for over a decade as supporting the divestment of U.S. energy interests in Burma. I would have preferred it if Congress had taken binding action in this bill to compel divestment, but including such a provision would have threatened passage of this important legislation. Nonetheless, I would point out that Congress makes its position on the issue quite clear by encouraging the voluntary divestment of all energy companies operating in Burma.

Finally, I would also like to express my appreciation for all those who have worked diligently on this legislation. In particular, I would like to thank Frank Jannuzi and Keith Luse of the Senate Foreign Relations Committee staff for their efforts.

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CATHY SEIBEL TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF GLENN T. SUDDABY TO BE UNITED STATES DISTRICT JUDGE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 689 and 690, and that the Senate proceed to vote on confirmation of the nominations; that upon confirmation of the nominations, the motions to reconsider be laid upon the table, en bloc, the President be immediately notified of the Senate's action, with no further motions in order, that any statements relating to the nominations be printed in the RECORD, and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today the Senate is poised to confirm two more nominations for lifetime appointments to the Federal bench: Cathy Seibel for the Southern District of New York and Glenn T. Suddaby for the Northern District of New York. These nominees each have the support of the New York Senators, who worked with the White House to identify a slate of consensus nominees. I thank both Senator SCHUMER and Senator CLINTON for their work in connection with these nominees.

When these nominees are confirmed, that will bring the number of judicial nominees confirmed by the Senate during the slightly more than three years I have served as the Chairman of the Judiciary Committee to 158. Coincidentally, the number of President Bush's judicial nominees confirmed by the Senate during the almost four and one-half years of Republican control totaled 158.

I have always said that we would treat this President's nominees more fairly than Republicans treated President Clinton's. And we have. Indeed, we have matched the confirmation record that Republicans achieved for a President from their own party. We have not pocket filibustered more than 60 of this President's nominees. We are not going to return 17 circuit court nominees without action to this President as the Republican-led Senate did to President Clinton. We have not doubled the judicial vacancies and forced them above 100 nationwide, nor have we doubled the number of circuit court vacancies. To the contrary, we have cut judicial vacancies by more than half, and reduced circuit court vacancies by more than two-thirds from a high point of 32, to a low of just nine throughout all 13 Federal circuits.

The 100 nominations we confirmed in only 17 months in 2001 and 2002, while working with a most uncooperative White House, reduced the vacancies by 45 percent by the end of 2002. With 40 additional confirmations last year, and another 18 this year, the Senate under Democratic leadership has now confirmed 158 lifetime appointments to the Federal bench nominated by President Bush. Nearly half of the judicial nominees the Senate has confirmed while I have served as the chairman of the Judiciary Committee have filled vacancies classified by the Administrative Office of the Courts as judicial emergency vacancies. Eighteen of the 27 circuit court nominees confirmed while I have chaired the committee filled judicial emergency vacancies, including nine of the 10 circuit court nominees confirmed this Congress. This is another aspect of the problem created by Republicans that we have worked hard to improve. When President Bush took office there were 28 judicial emergency vacancies. Those have been reduced by more than half.

In the 2 full years that preceded my returning as chairman of the Judiciary Committee in 2007, with a Republican chairman and a Republican Senate majority working to confirm the judicial nominees of a Republican President, 54 nominations were confirmed. After the two confirmations today, we will reach 58 judicial confirmations for this Congress. Truth be told, President Bush's judicial nominees have been confirmed faster by the Democratic majority than by the previous Republican majority of the Senate.

Judicial vacancies have been reduced from 10 percent as we made the transition to the Bush administration to 4.5 percent today. I wish we could say the same about unemployment, the cost of gasoline, food prices, health care costs, about inflation and the national debt, but all those indicators have been moving in the wrong direction, as is consumer confidence and the percentage of Americans who see the country as on the wrong track.

Republican critics ignore the progress we have made on judicial vacancies. They also ignore the crisis that they had created by not considering circuit nominees in 1996, 1997 and 1998. They ignore the fact that they refused to confirm a single circuit nominee during the entire 1996 session. They ignore the fact that they returned 17 circuit court nominees without action to the White House in 2000. They ignore the public criticism of Chief Justice Rehnquist to their actions during those years. They ignore the fact that they were responsible for more than doubling circuit court vacancies during their pocket filibusters of Clinton nominees or that we have reduced those circuit court vacancies by more than two thirds.

In fact, as the Presidential elections in 2000 drew closer, and when the judicial vacancy rate stood at 7.2 percent, then-Judiciary Committee Chairman ORRIN HATCH declared that ''There is and has been no judicial vacancy crisis,'' and that 7.2 percent was a ''rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies.'' As a result of Republican inaction, the vacancy rate continued to rise, reaching 10 percent when the Democrats took over the Senate majority in 2001.

Democrats have reversed course. We have cut circuit court vacancies by more than two-thirds, from a high of 32. With the confirmation of two nominees today, the judicial vacancy rate will be just 4.5 percent.

I have yet to hear praise from a single Republican for our work in lowering vacancies. I also have yet to hear in the Republican talking points any explanation for their actions during the 1996 congressional session, when the Republican Senate majority refused to allow the Senate to confirm even one circuit court judge. I have yet to hear explanations for why they did not proceed with the nominations of Bonnie Campbell, Allen Snyder and so many others.

I hope the American people will not witness another week in which Senate Republicans attempt to make a partisan, election-year issue out of the confirmation of judicial nominations. This is the one area where the numbers have actually improved during the Bush presidency while the life of hardworking Americans has only gotten more difficult. The Treasury Secretary has been quite sobering about the financial difficulties still ahead. Inflation is now on the rise, jobs are being lost, gas prices have skyrocketed, food prices have soared, health care is unaffordable and yet Republicans want come to the floor to pick a partisan fight about the pace of judicial confirmations while the Senate proceeds to confirm two more judges.

Americans have seen the unemployment rate rise to 5.5 percent and trillions of dollars in budget surplus have turned into trillions of dollars of debt. Last week General Motors announced layoffs. The annual budget deficit is in the hundreds of millions of dollars, the dollar has lost half its value, and the costs of the Iraq war and interest on the national debt amounts to $1.5 billion a day.

When President Bush took office, the price of gas was $1.42 a gallon. Today, it is over $4.00 a gallon. The housing crisis and mortgage crisis threatens the economy. The stock market dropped 2,000 points in the first six months of the year and went under 11,000.

Hardworking Americans trying to do the best they can for their families are more concerned about critical issues they face in their lives each day. They are concerned about affording to heat their homes this winter. They are concerned about gas prices that have skyrocketed so high they do not know how they will afford to drive to work. They are concerned about the steepest decline in home values in two decades. More and more Americans are affected by rising unemployment, with job losses for the first six consecutive months of this year tallying over 438,000. Americans are worried about soaring health care costs, rising health insurance costs, the rising costs of education and rising food prices. The partisan, election-year rhetoric over judicial nominations, at a time when judicial vacancies have been significantly reduced, is a reflection of misplaced priorities.

Our progress today in confirming two more nominations for lifetime appointments shows that when the President works with home State Senators to identify consensus, well-qualified nominees, we can make progress, even this late in an election year. I congratulate the nominees and their families on their confirmations today.

The Federal judiciary is the one arm of our Government that should never be political or politicized, regardless of who sits in the White House. I will continue in this Congress, and with a new President in the next Congress, to work with Senators from both sides of the aisle to ensure that the Federal judiciary remains independent and able to provide justice to all Americans, without fear or favor.

Last week the Senate Judiciary Committee was scheduled to consider a number of bipartisan measures. Several are important items on which Republicans had already delayed consideration since June. They include the bipartisan bill to reauthorize the Juvenile Justice and Delinquency Prevention Act, a bipartisan OPEN FOIA bill and the bipartisan William Wilberforce Trafficking Victims Protection Reauthorization Act. In addition, we had before us the Fairness in Nursing Home Arbitration Act, the Fugitive Information Networked Database Act, the Methamphetamine Production Prevention Act and the National Guard and Reservists Debt Relief Act.

I had hoped that last week we would be able to report these measures. A few words about one of them—the legislation to reauthorize the William Wilberforce Trafficking Victims Protection Act. This bill would strengthen our efforts to stop the abhorrent practice of human trafficking around the world. Our bill enhances protections for victims of these terrible crimes. Human trafficking is a modern-day form of slavery, involving victims who are forced, defrauded or coerced into sexual or labor exploitation. These practices continue to victimize hundreds of thousands around the world, mostly women and children, and we must do all that we can to be more effective in confronting this continuing problem. I thank Senator BIDEN for his leadership. Unfortunately, Republican partisan antics have gotten in the way of progress on this front and delayed the Judiciary Committee and the Senate from acting on this measure.

Rather than meet and work on the human trafficking bill and the others, a number of the Republican Senators who serve on the Judiciary Committee came to the Senate floor while Republicans objected to the committee meeting. That was too bad. It set back our legislative agenda.

Republicans previously boycotted business meetings for the month of February when we were trying to report judicial nominations. That only slowed our progress. Then, when we tried to expedite consideration of two circuit court nominations in May, they objected. Those judicial nominations were finally confirmed late in June.

I look forward to a time when Senators from the other side of the aisle return to work with us on the important legislative business of the Judiciary Committee and the Senate. It would be refreshing if they recognized the progress we have made on filling judicial vacancies.

When they do, when they show cooperation, when we are able to make progress on our legislative agenda, at that point I will be able to turn my attention from concentrating on that legislative agenda and consider, along with the majority leader, whether there are additional judicial nominees we might be able to consider and confirm this year. It will be difficult to do so, especially in connection with nominees recently received for whom we do not have an ABA peer review rating at this time.

Let me give you some flavor of how petty the obstructionism from Republicans has become. I introduced at the request of the Chief Justice a bill to extend authorization for the Supreme Court police to remain in operation, S. 3296. I have been trying to clear this measure for passage since June 19. Although our Ranking Republican on the Committee cosponsored, he has not been able to clear it on his side of the aisle.

I have been seeking for months to find a way to extend the EB–5 investor visa pilot program that brings benefits

not only to Vermont but to Pennsylvania and Iowa, and elsewhere. Authority for this worthwhile program that leads to investments here in the United States expires in September. My efforts to clear H.R. 5569, a bill to extend the program for 5 years, have been stymied by Republicans who insist on using this bill as a vehicle for other immigration-related matters and have ensnarled it in a series of competing concerns.

More broadly, the Judiciary Committee has worked throughout this Congress to advance the priorities of Americans. We have reported legislation to support local law enforcement to make our cities and towns safe from crime that has now gone back up after consistent declines in the 1990s, like the COPS Improvements Act, S. 368, and my bill to extend the Bulletproof Vest Partnership Grant Act, S. 2511. We have reported legislation to combat fraud and corruption, like the War Profiteering Prevention Act, S. 119, and the Public Corruption Prosecution Improvements Act, S. 1946. We have reported legislation to protect the civil rights and voting rights of Americans, like the Emmett Till Unsolved Civil Rights Crime Act, S. 535, and Senator OBAMA's Deceptive Practices and Voter Intimidation Prevention Act of 2007, S. 453. We have reported legislation to protect Americans' data privacy like my Personal Data Privacy and Security Act, S. 495. We have reported measures to provide the Federal judiciary with increased resources both in terms of salary restoration and additional judgeships, S. 1638 and S. 2774. We have reported intellectual property measures like the Shawn Bentley Orphan Works Act, S. 2913. And, of course, we have reported the bill to confront the OPEC cartel, NOPEC, S. 879. I look forward to a time when Republicans work with us on these matters instead of obstructing us at every turn.

Legislation with broad bipartisan support that I have managed to move through the Judiciary Committee has then been stalled on the Senate floor by the obstruction of a few Republicans. Of the bills that have been reported from the Judiciary Committee this Congress, Republicans have blocked legislation to support runaway and homeless young people, S. 2982; to help law enforcement cope with mentally ill offenders, S. 2304; to support the investigation and prosecution of civil rights era murders left unsolved for too long, S. 535; and to protect our children from the scourges of drugs, child pornography, and child exploitation, such as S. 1210, S. 1738 and S. 2344. I joined the Majority Leader in introducing a measure yesterday that combines some of these Committee-approved and House-passed bipartisan measures into one bill, S. 3297. These should have been consent items and already been considered and passed by the Senate.

The list goes on. I say, again, Republican obstructionists have blocked legislation to ensure that law enforcement officers can obtain bulletproof vests, to give much needed resources to State and local law enforcement, to break the grip of the OPEC cartel on oil prices, to prohibit war profiteering, to train prosecutors, and to teach children to use the internet safely, just to reiterate a few examples. And that is just legislation reported by the Judiciary Committee. Every Committee in the Senate has seen simple legislation intended to help the American people in difficult times stymied by Republican obstruction.

Republicans have become masters of true obstruction, boycotting business meetings of the Judiciary Committee and cutting short important hearings, including a hearing at which two courageous women from Pennsylvania were testifying about severe injuries they suffered to help us understand the plight of hardworking Americans whose legitimate grievances have been rejected by a pro-business Supreme Court. When Republicans obstructed a meeting last week where we could have made progress on reducing youth violence, protecting women and children from human trafficking, and helping those who serve our country to cope with unmanageable debt, that was just the latest example of a pattern that has become all too familiar.

Sadly, we have seen Republican obstructionism since the beginning of this Congress, with Republicans using filibuster after filibuster to thwart the will of the majority of the Senate from doing the business of the American people. Republican filibusters prevented Senate majorities from passing the climate change bill; the Employee Free Choice Act; the Lilly Ledbetter Fair Pay Act; the DC Voting Rights Act; the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007; the Renewable Energy and Job Creation Act of 2008; the Medicare Improvements for Patients and Providers Act of 2008; and the Consumer-First Energy Act.

These are critical pieces of legislation to address urgent priorities like the energy crisis, the environment, voting rights, health care, and fair wages for working men and women. All of them had the support of the majority of the Senate. And all were blocked by a minority of Republican Senators bent on preventing us from making progress. Republicans have now filibustered more than 80 pieces of legislation in this Congress. We can only imagine what we could have accomplished in this Congress with cooperation rather than obstruction.

This long list of priorities unaddressed because of the Republicans in Congress would be even longer if we were to include the many important bills President Bush has vetoed since the beginning of this Congress. This list includes legislation to fund stem cell research to fight debilitating and deadly diseases, to extend and expand the successful State Children's Health Insurance Program that would have provided health insurance to more of the millions of American children without it, to set a timetable for bringing American troops home from the disastrous war in Iraq, and to ban waterboarding and help restore America as a beacon for the rule of law.

The American people are going through increasingly difficult times, and their Congress should be working to make their lives better. Time is running short in this Congress. It is past time for Republicans to stop their foot stomping and work with us to get things done. That is what I have been trying to do throughout this Congress. I hope, despite their recent antics, that Republicans will reconsider and join with me to make progress on legislative matters of concern to the American people.

Mr. SCHUMER. Mr. President, I rise in support of two nominees to be district judges in the Southern and Northern Districts of New York.

I was pleased last week that the Senate voted unanimously to confirm two other excellent New York nominees, Kiyo Matsumoto and Paul Gardephe.

Like last week's candidates, both of the nominees before us today—Cathy Seibel and Glenn Suddaby—were rated unanimously well qualified by the American Bar Association, and both were unanimously recommended out of the Judiciary Committee.

I am particularly pleased to support Ms. Seibel to be a judge in the Southern District of New York because I personally recommended her to the President.

The Judges in her district respect her, the defense bar knows her to be fair and reasonable. and I myself found her to be thoughtful, modest, and blessed with a perfect judicial temperament.

These are the qualities that compelled me to recommend her to the bench.

Ms. Seibel has been a Federal prosecutor for 21 years and has long ties to the Southern District of New York where she has served as both the deputy U.S. attorney and the first assistant.

During her time as a prosecutor, she has earned a reputation for fairness and effectiveness.

Indeed, she is described as the very model of grace under pressure.

And while at the Southern District, she has trained several generations of young prosecutors, who also sing her praises.

She has prosecuted a number of high-profile tax fraud cases, as well as the very first case where the Violence Against Women Act was used for a murder charge—a subject obviously very close to my heart since I was the chief author of the Violence Against Women Act when I was in the House.

She is the recipient of numerous well-deserved honors, including the prestigious Stimson Medal for federal prosecutors in New York.

Despite the demands on her time as a prosecutor, Ms. Seibel has also found time to teach a course on trial practice at Columbia Law School, and previously has taught courses at Fordham.

Ms. Seibel graduated magna cum laude from Princeton and received her J.D. cum laude from Fordham University, where she was editor-in-chief of the Fordham Law Review. Ms. Seibel also clerked for Judge Joseph McLaughlin in the Eastern District after graduation.

Additionally, Ms. Seibel's confirmation will help to rectify the serious underrepresentation of women in our Federal judiciary.

In the Southern District today, only a paltry 25 percent of district court judges—11 of 44—are women. I believe that our Federal bench should reflect the same broad diversity of experience as America writ large.

Glass ceilings are abhorrent, but they especially have no place in our Federal courthouses, where every citizen is held as equal before the law.

Ms. Seibel's confirmation will be an important step to remedying an unfortunate gender gap in one of the country's most important courts.

Finally I would like to say a few words in favor of Mr. Glenn Suddaby, a nominee for the Northern District of New York.

Mr. Suddaby has been a U.S. attorney since 2002, but his ties to the Northern District go back much further than that. He received his B.A. from State University of New York at Plattsburgh, then received his law degree from Syracuse University. Mr. Suddaby then began his long career as a prosecutor in Onondaga County before joining the U.S. attorney's office.

Between college and law school, Mr. Suddaby even spent time as a legislative aide in the New York State Assembly, so he also has experience shaping the law from inside the halls of a legislature. I think its a good idea to have more judges with a little experience writing the law, and not only enforcing it and interpreting it.

Mr. Suddaby has worked especially hard to target corruption in his district, and has demonstrated his commitment to placing the rule of law ahead of ideology.

Both of these nominees will make excellent judges who will be impartial and thoughtful guardians of our legal tradition. I urge my colleagues to support them.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative read the nomination of Cathy Seibel, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Cathy Seibel, of New York, to be United States District Judge for the Southern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of Glenn T. Suddaby, of New York, to be United States District Judge for the Northern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Glenn T. Suddaby, of New York, to be United States District Judge for the Northern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid upon the table.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, JULY 23, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, July 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time of the two leaders be reserved for their use later in the day, the Senate resume consideration of the motion to proceed to S. 3268, the Energy speculation bill, and that the time during the adjournment count postcloture. I further ask that the time until 11 a.m. be equally divided, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half; that the time from 11 a.m. until 4 p.m. be equally divided and controlled between the two leaders or their designees in 30-minute alternating blocks of time, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, tomorrow, at 11 a.m. in the Rotunda, there will be a congressional ceremony commemorating the 60th anniversary of the integration of the U.S. Armed Forces. In addition, National Security Adviser Hadley will brief Senators in S. 407, from 4 p.m. until 5:30 p.m., tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Wednesday, July 23, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL LIE-PING CHANG
BRIGADIER GENERAL PAUL E. CRANDALL
BRIGADIER GENERAL JEFFREY A. JACOBS
BRIGADIER GENERAL DEMPSEY D. KEE
BRIGADIER GENERAL ELDON P. REGUA
BRIGADIER GENERAL RICHARD A. STONE
BRIGADIER GENERAL KEITH L. THURGOOD

To be brigadier general

COLONEL GILL P. BECK
COLONEL PAUL M. BENENATI
COLONEL ALTON G. BERRY
COLONEL LESLIE J. CARROLL
COLONEL JOE E. CHESNUT, JR.
COLONEL DAVID G. CLARKSON
COLONEL JANET L. COBB
COLONEL DON S. CORNETT, JR.
COLONEL MARK W. CORSON
COLONEL JOHN J. DONNELLY III
COLONEL JAMES H. DOTY, JR.
COLONEL ROGER B. DUFF
COLONEL GRACUS K. DUNN
COLONEL WILLIAM J. GOTHARD
COLONEL MARK S. HENDRIX
COLONEL PATRICIA A. HERITSCH
COLONEL LEROY WINFIELD, JR.
COLONEL EUGENE R. WOOLRIDGE III

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BRUCE W. CLINGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JAMES A. WINNEFELD, JR.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT S. DEMPSTER
RONALD I. GROSS
FRED A. KARNIK

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

THOMAS G. NORBIE
DAVID K. RHINEHART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ANNE M. ANDREWS
ANTHONY C. BARE
STANLEY T. BREUER
BETHANY L. CHAPPELL
ERICA R. CLARKSON
LARRY O. FRANCE
DEBRA R. HERNANDEZ
HEIDI C. KAUFMAN
JOSE G. MANGROBANG
DOUGLAS L. MCDOWELL
SHARON M. NEWTON
HELEN A. SANTIAGO
MICHAEL J. SCHIEFELBEIN
THOMAS J. SCHYMANSKI
TRACY A. SMITH
BARBARA J. SYLER
KIM N. THOMSEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

DAVID E. BENTZEL
ERICA CARROLL
JERRY R. COWART
ROBERT A. GOODMAN
MARGERY M. HANFELT
SCOTT E. HANNA
KENNETH O. JACOBSEN
CHRISTOPHER E. KELLER

CINDY A. LANDGREN
LORRAINE L. LINN
MARGARET S. NEIDERT
JOHN PARSONS
GREG SATURDAY
ANN M. SCHIAVETTA
MAX L. TEEHEE
YVONNE A. VAN GESSEL
SHANNON M. WALLACE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CARLOS C. AMAYA
CAROLYN ANDERSEN
SUSAN J. ARGUETA
CHRISTOPHER D. BAYSA
SHARON M. BEACH
SANDRA J. BEGLEY
RICHARD A. BEHR
LYNN BLANKE
TAMMIE S. BOEGER
PATRICIA A. BORN
LISA M. BOWER
JOSEPH M. CANDELARIO
CHERYL Y. CAPERS
LILLIAN CARDONA
COLEEN P. CHANG
RICHARD W. CICHY
MARGARET A. COLLIER
TAMARA L. CRAWFORD
CARLA J. CROUCH
DANETTE F. CRUTHIRDS
TIMOTHY A. CUEVAS
KATRYNA B. DEARY
SPENCER D. DICKENS, JR.
TONYA F. DICKERSON
PAUL R. DICKINSON
FRAME T. DUQUETTE
SHERRI D. FRANKLIN
LORI A. FRITZ
DAVID W. GARCIA
BLONDELL S. GLENN
TINA M. GOSLING
LISA GREEN
MICHAEL W. GREENLY
GENEVIEVE G. GROSSNICKLE
SHAROYN L. HARRIS
MICHAEL A. HAWKINS
CARLOTTA S. HEAD
TRACI M. HEESE
DIANA J. HEINZ
CHARLES D. HENKEL
MELISSA J. HOFFMAN
BRENDA J. HOUSTON
TIMOTHY L. HUDSON
ESTERLITTA L. JACKSON
TRINI L. JEANICE
CHRISTINE M. KRAMER
WILLIAM L. KUHNS
FRANK LEE
VIKI J. LEEFERS
SUSAN M. LEWIS
REBECCA J. LISI
JAMES A. MADSON
SANDRA I. MARTIN
PATRICK MCANDREW
SUE A. MCCANN
DAVID MENDOZA
CHRISTOPHER MILSTEAD
MICHELLE L. MUNROE
FLOREYCE A. PALMER
HANNAH S. PARK
LILLIAN M. PETERSON
CYNTHIA N. PHILLIPS
MELONIE G. QUANDER
ANA L. RAMIREZ
YVETTE L. RILEY
DONNA S. RUMFELT
LETICIA SANDROCK
REBEKAH SARSFIELD
MARY J. SHAW
CHARLOTTE M. SHELL
ALLEN D. SMITH
EVELYN TOWNSEND
BRADLEY C. WEST
WILLIAM G. WHITE
MICHELLE M. WILLIAMS
SELINA G. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

KIMBERLEE A. AIELLO
PAUL B. ANDERSON
WILLIAM P. ARGO
ADRIENNE B. ARI
SUSAN D. ARNETT
GREG R. ATKINSON
ERIC E. BAILEY
MICHAEL K. BARDOLF
DANIEL T. BARNES
BRIAN R. BAUER
CARLENE A. BLANDING
MARK J. BONICA
MICHAEL D. BRENNAN
MICHAEL F. BRESLIN
DEIDRA E. BRIGGSANTHONY
AMY C. BRINSON
BRADLEY L. BROOKS
KEVIN D. BROOM
EDWARD A. BRUSHER
JUDITH L. BUCHANAN
EVA K. CALERO
DAVID J. CARPENTER, JR.
JAMES D. CARRELL
JORGE D. CARRILLO
ANDREW D. CENTINEO
JOSE L. CHAVEZ
CHRISTOPHER M. CHRISTON
RHONDA B. CLARK
JOANNE M. CLINE
KEVIN E. COOPER
TSEHAI CROCKETTLYNN
JULIA A. DALLMAN
THOMAS D. DAVENPORT
SOO L. DAVIS
DENIS G. DESCARREAUX
KEVIN M. DUFFY
WILLIAM T. ECHOLS
ERIC S. EDWARDS
DUSTIN K. ELDER
JAMES R. ERVIN
ERIC W. FALLON
ERIK J. GLOVER
CHRISTOPHER J. GRAHEK
ALFRED A. HAMILTON
DAVID P. HAMMER
KEVIN G. HART
MICHELLE B. HOCKMUTH
SHEREEN R. HUGHES
PETER KALAMARAS, JR.
WILLIAM J. KAYS
VIVIAN K. KEY
VIBOL C. KHEIV
LELA C. KING
HEATHER A. KNESS
WILLIAM A. LATZKA
KERRY A. LEFRANCIS
KENNETH A. LEMONS
INGRID LIM
RICHARD S. LINDSAY III
WILLIAM R. LOVE
PATRICK F. LUKES
STEVEN D. MAHLEN
PAUL B. MANN
DANIEL E. MCCARTHY
DANIEL C. MCGILL
JOHN A. MCMURRAY
JOHN J. MELTON
CLAY R. MILLER
JOHN M. MILLER
GERARDO J. MORALEZ
DANIEL J. MORONEY
TERRELL G. MORROW
DONALD R. NEFF
JOSE I. NUNEZ
STEPHEN L. OATES
TIMOTHY G. OHAVER
DENNIS S. PALALAY
SHAWN I. PARSONS
GABRIELLA M. PASEK
KYLE A. PATTERSON
JAMES G. PERKINS
KEVIN K. PITZER
FRANCISCO J. PORTALS
MICHAEL H. PRICE
JOSEPH C. RHENEY
KARLOTTA A. RICHARDS
MICHAEL C. RICHARDSON
ANDREW J. RISIO
BRADLEY L. ROBINSON
BRADY H. ROSE
JOHN G. SANCHEZ
TROY D. SCHILLING
PHILIP E. SHERIDAN
ALAN E. SIEGEL
MELANIE A. SLOAN
RACHELE M. SMITH
STEPHEN P. SPELLMAN
MARK D. SWOFFORD
JONATHAN R. SYLVIE
THOMAS C. TIMMES
JAMES Q. TRUONG
MYRANDA L. VEREEN
ANDREW J. VITT
CHRISTINE M. WATSON
JOSEPH L. WILLIAMS
JEFFREY S. YARVIS
SHANNON M. ZEIGLER
CHUNLIN ZHANG
D0000

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

TIMOTHY J. MCCULLOUGH

To be lieutenant commander

JAE WOO CHUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PHILLIP J. BACHAND
GLEN D. BOURQUE
SCOTT L. CARPENTER
COLIN M. CASWELL
CRAIG T. COLEMAN
STEVEN W. CONNELL
ELLEN H. DUFFY
JAMES J. GALOPPA, JR.
RICKY L. GILBERT
KEVIN M. GLANCEY
MICHAEL P. GRAMOLINI
LANCE A. HARPEL
CHARLES A. JOHNSON
JACKIE D. KNICK
MICHAEL LAPRADE
RALPH B. LYDICK
ROSARIO D. MCWHORTER
GILBERT P. MUCKE
JAMES L. MUNIZ
CLIFTON B. MYGATT
CAROL J. SCHRADER
JOSE A. SEIN
RICHARD W. SHARP
KURT E. STRONACH
MICHAEL C. THIBODEAU
JOSEPH P. TUBBS
GARY L. VANERT
MICHAEL A. WHITT
ALLEN M. WILLIAMS
GILBERT L. WILLIAMS

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, July 22, 2008:

THE JUDICIARY

CATHY SEIBEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

GLENN T. SUDDABY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK.